Nixon & Muskie on the Environment *John Osborne*

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A Journal of Politics and the Arts — February 20, 1971, 50 cents

What Price Victory?

Hans J. Morgenthau

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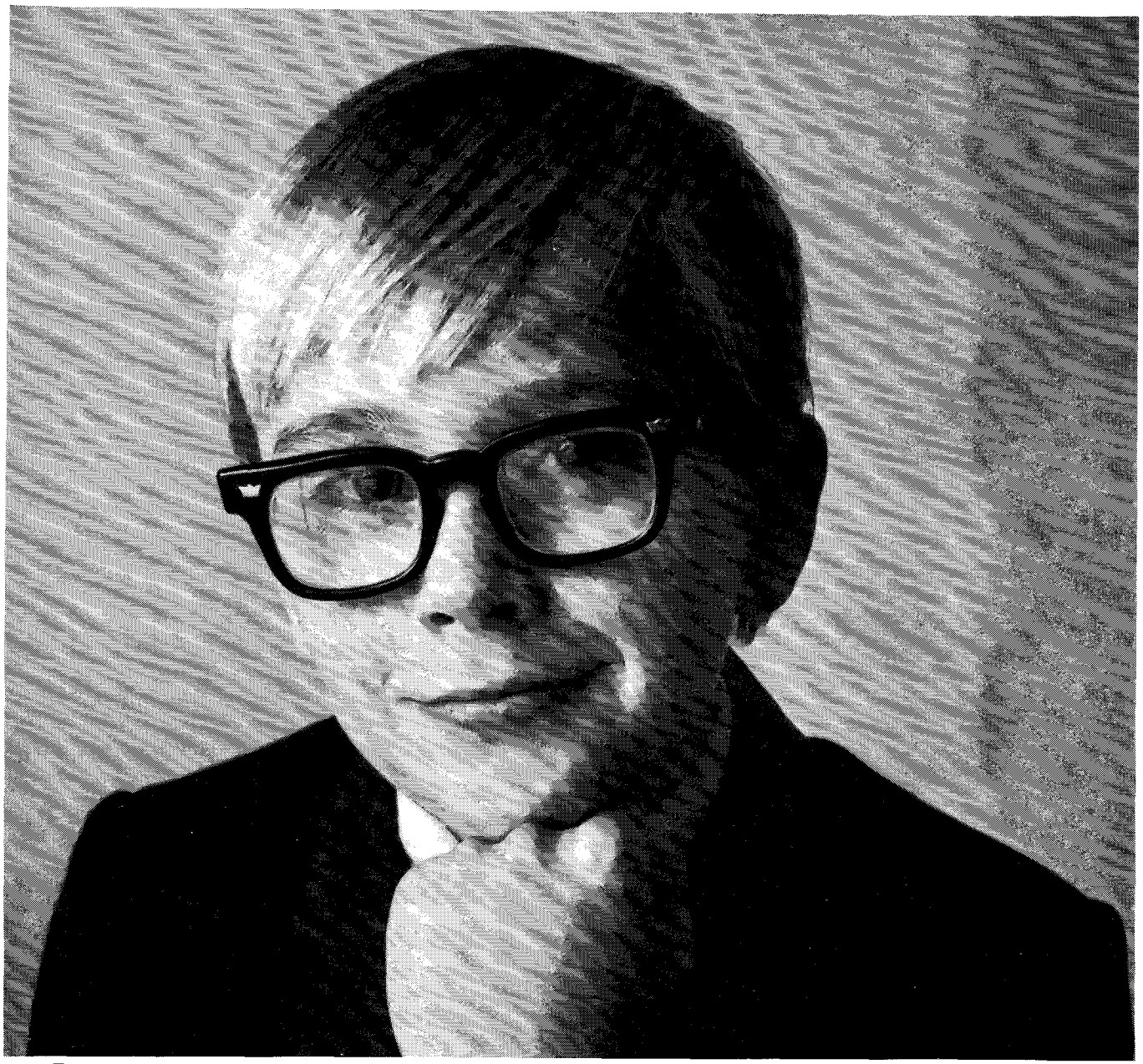

Glen Conway just gave birth to an eight-year-old.

It's true. And the whole Conway family is delighted. Glen knows about helping because his dad is a policeman and helps people all the time. So when Glen heard about Save the Children Federation in school, he wanted to do something. His parents decided it would, indeed, be wonderful to sponsor a child. To give their eleven-year-old a chance to learn how children in other countries, children less fortunate than their son, must fight for survival. And that's how Antonio Laverde came into their lives.

Glen and Antonio are separated by a lot more than the miles between Long Island and Colombia. Antonio lives in one room. With eight brothers and sisters. Soup made with potatoes and roots is his main meal. You see, his dad only has the use of one arm. And even though he works long hours at odd jobs, he still earns just five dollars a week.

Now, because of Glen and his family, much of that will change. Through Save the Children Federation the Laverdes will get an interest-free loan to buy hens. And the hens will lay eggs. Eggs to improve the family diet. Eggs to be sold at market and increase the Laverdes' income. And keep Antonio in school. For only with learning can there be hope. And some of the funds can be used to help make the community a better place for all the children.

Hope turned into reality. This, in essence, is Save the Children Federation. Not a hand out. But a boost up. And there's more. For Glen, there are exciting letters from a friend in a foreign country. And pictures. And progress reports. Glen Conway gave birth to hope today. How about you?

Save the Children Federation, founded in 1932, is registered with the U.S. State Department Advisory Committee on Voluntary Foreign Aid. Contributions are income tax deductible.

I wish to contribute $15.00 a month to sponsor a ☐ boy ☐ girl in

☐ Africa ☐ Latin America ☐ India ☐ Middle East
☐ Europe ☐ Vietnam ☐ American Indian ☐ Appalachia
☐ Korea ☐ Southern U.S. ☐ Where the need is greatest

Enclosed is my first payment

☐ $15.00 monthly ☐ $90.00 semi-annually
☐ $45.00 quarterly ☐ $180.00 annually
☐ I can't sponsor a child. Enclosed is my contribution of $_____

☐ Please send me more information.

Name_____

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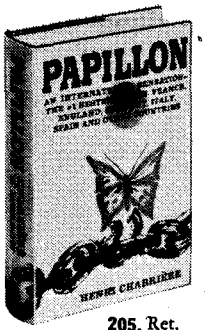

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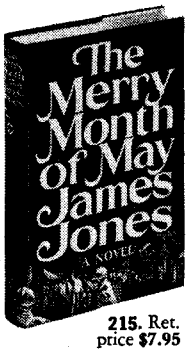

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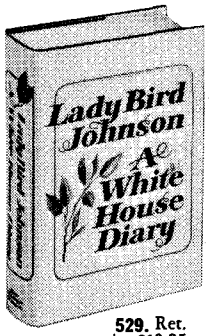

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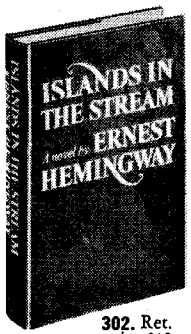

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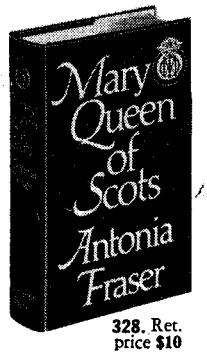

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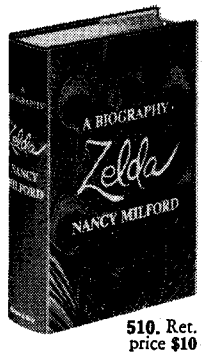

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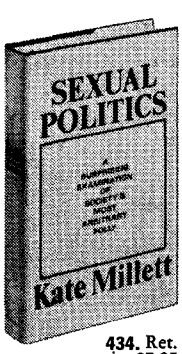

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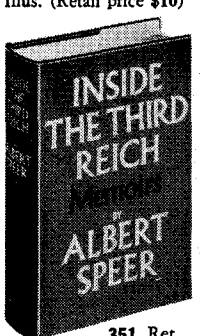

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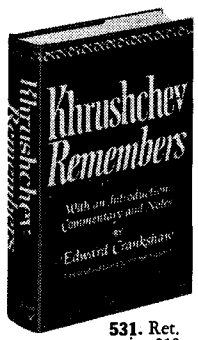

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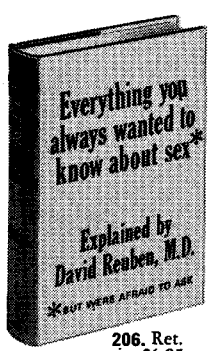

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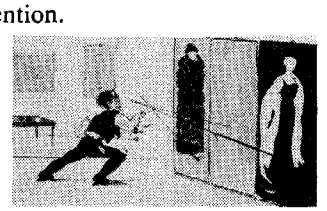

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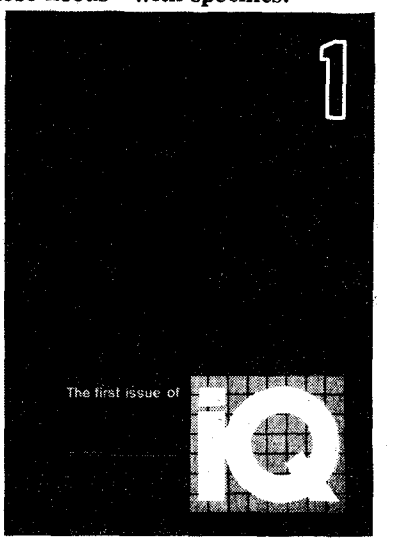

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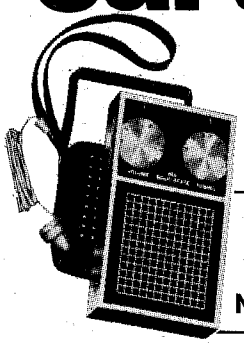

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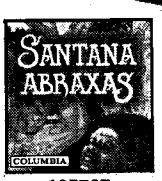

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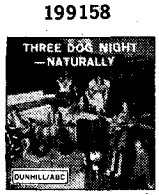

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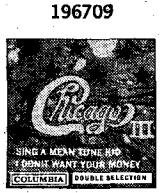

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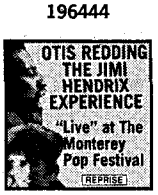

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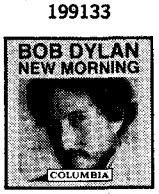

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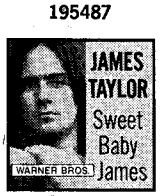

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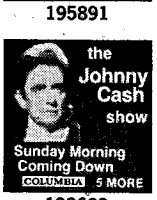

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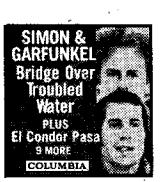

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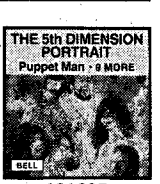

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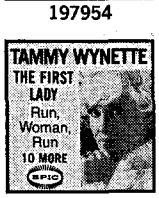

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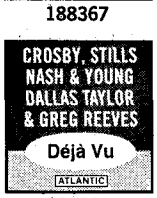

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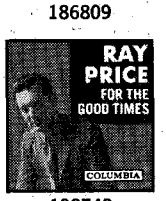

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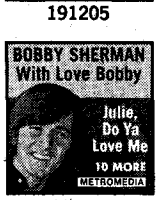

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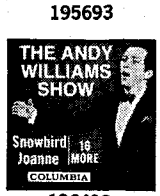

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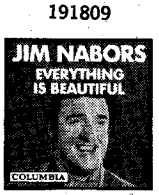

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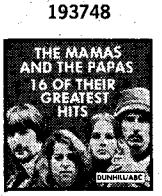

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Church Mice

The New American Revolution (whose 4th of July is January 22) was in its third week, and we were listening to a group of big-city mayors telling Congress how broke they were. It was a busy week. Washington editors of *Time* and *Newsweek* were practically standing on their heads trying to decide whether to build cover stories on the moon landing or on the Laos take-off (both magazines chose Laos), and here were these mayors shaking their tin cups and uttering pathetic cries of poverty. Nobody paid attention.

We always thought big-city mayors were a kind of Last Hurrah type, but they're not; they are as respectable as Rotarians. There were tall and short mayors, fat and lean mayors . . . Chicago's Daley, powerful and ponderous; New York's Lindsay, lithe and spirited. And they said, for God's sake, get us some money. Money? answered the senators, what money?

You see, when America set out to rescue Vietnam, attention shifted to the world view, and domestic matters were neglected. Mayors were just step-children.

The mayors said their cities are broke; they are laying off hospital orderlies, probation officers, watchmen, and garbage collectors. San Francisco's Alioto said that when he advertised for 32 street-sweepers, 8000 applicants showed up and some stayed all night. Now the due bills for America's accumulated domestic neglect are coming in all at once. Critics of the war warned that this might happen; that it might bring a backlash of isolationism. But nobody listened to the nattering nabobs of negativism.

The problem is complicated by the disparity of income in America. Herman P. Miller, an authority on the subject in the US Census Bureau, spells it out in *Rich Man, Poor Man* (Crowell, $8.95). Between 1965 and 1968 the real weekly wages of a worker with three dependents, after social security and incomes taxes, he says, went up by exactly eight cents. Inflation took the rest. In other words, three years went by without a raise in take-home pay – and *that* during a period of peak employment. No wonder they vote against more taxes.

Nearly everyone professes a desire to clean up the environment, reduce crime, diminish racial tensions, and correct other domestic problems, Miller notes dryly, but few seem willing to pay the price.

The gap between rich and poor in America hasn't changed much, Miller says. Yes, we are all getting more money, but the disparity remains. Back in 1941, the lowest fifth of the population was getting only four percent of the income and it's getting four percent now. Miller is pretty bland about it, but he implies that America never would have discovered Poverty if it hadn't been for increased Negro militancy. "It followed a prolonged period of marches, sit-ins and other forms of protest by the Negro community," he says.

What surprises us is that with five or six million unemployed, the country continues to receive 400,000 immigrants annually, plus a lot who slip over the borders, and there is almost no discussion about it. One estimate is that a million Mexicans are in the country illegally. Many immigrants compete for low-paid jobs. In Newark, unemployment reaches 30 percent for black youths at the present time (the mayors told Congress last week) yet nobody suggests that immigration should be reduced. Mill owners will probably get Congress to put higher quotas on shoe and textile imports before long, but there is no lobby for the city poor trying to tighten up quotas on imports of competitive labor.

Meanwhile Washington is watching the developing political situation. Mr. Nixon has entered an aggressively activist phase which is likely to last right up to the election. Before long we shall get his State of the World speech which presumably will explain what a good idea it was to go into Laos. The New American Revolution has been launched in a storm of hyperbole and Mr. Nixon without apparent difficulty has switched from attacking deficit financing to extolling it as a Keynesian.

It has caused some eye-rubbing. "What we have trouble grasping, though," remarked the *Wall Street Journal* acerbly, "is the President's decision to wrap all of this in messianic rhetoric that stirs discordant memories. . . . It all seems to us close to a repudiation of what the first two Nixon years were all about."

But the midterm election and the polls showed that the Administration wasn't doing very well and needed a change of style. We think Mr. Nixon has another revelation that he will save till next year. The great problem today is, where's the money coming from? States, cities, counties are all up to their necks in IOUs. There are authoritative hints that Mr. Nixon has in his hat a real nifty – a European fiscal device, the painless "value-added" national sales tax.

The great beauty about this is that you can't see it, that it raises piles of money, and that it falls upon the many rather than the few so that rich people are not likely to get worked up about it. There is a myth in America anyway, as Herman Miller points out, that our taxes are progressive (i.e., are graduated to fall most heavily on the rich). The fact is, he explains, "that our tax structure is not very progressive." Yes, there is "some" progressivity in federal income taxes, he says (though they are full of loopholes). But "state and local taxes are regressive from beginning to end."

The value-added tax will fit charmingly into this system. It was invented in Europe by countries that couldn't get citizens to pay income taxes. At each stage of production a tax is placed on the value that has been added at that stage to the article, all the way from ore to auto. Each company in the ladder has a venomous determination to get the one below it to pay its full tax. When the article is completed the full pyramided tax falls on the purchaser, and he can't pick out any special person to blame. It's as dreamy as the oil depletion allowance, and the bonus to corporate farmers not to raise crops. The understanding here is that our new Treasury Secretary, John Connally, is to sell the great reform.

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THE NEW REPUBLIC *A Journal of Politics and the Arts, Vol. 164, No. 8, Issue 2930, February 20, 1971. Published weekly (48 issues a year) and distributed by* The New Republic, *1244 19th St., N.W., Washington, D.C. 20036. Phone FEderal 8-2494. Single copy 50c. Yearly subscription $12; Foreign $13; Armed Forces personnel or students, $6; Send all remittances and correspondence about subscriptions, undelivered copies, and changes of address to Subscription Department,* The New Republic, *381 West Center Street, Marion, Ohio 43302.* *Copyright© 1971 by Harrison-Blaine of New Jersey, Inc.**Item g. Second Class Postage Paid at Washington, D. C. Indexed in Readers' Guide.*

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Power to Which People?

On the surface, Mr. Nixon and the New Left talk alike, taking their cue from Jefferson, who believed that the people are the safest and most virtuous repository of power. The President seeks more "power to the people" by returning more tax revenues and federal functions to state and local governments. But what and whose power are we talking about? Who, for instance, packs the biggest wallop with state and local government – or, for that matter, the federal government? Is it the citizens armed with votes, or corporations armed with dollars? What about the vast powers that corporations exercise directly over people's lives and livelihood? How responsive are these great dominions to popular wishes, and how representative are they of those they presumably serve and from whom they profit?

A coalition of black, Mexican-American and women's groups in California (including the regional NAACP chapter, the Mexican-American Political Association and the National Organization for Women) has surveyed the decision-making structures of the 67 largest California corporations as listed in *Fortune* magazine and come up with some answers. The coalition discovers that of the corporations' 1008 directors, not one is black; none of the 1008 directors is Mexican-American; one is Spanish-surnamed (he won the Nobel Prize in physics); six of the 1008 directors are female, and of the six, three are married to the president or chairman of the company, and one is the daughter of the company's founder (Bank of America). None of the top 1268 officers and executives of the 67 corporations is black; none of the top 1268 officers is Mexican-American; only six of the top officers and executives are women (two are married either to the president or chairman).

The coalition that made the survey (Responsible Corporate Action) confined its study to California-based corporations – including such giants as Bank of America, Litton Industries, Safeway, Standard Oil of California, North American Rockwell, Lockheed, Hewlett-Packard, Max Factor, Getty Oil, Fairchild Camera and Crown Zellerbach – but the pattern of exclusion is nationwide. Only five major US corporations have blacks on their boards of directors. Three of these – General Motors, Pan American and Commonwealth Edison of Chicago – appointed their blacks just recently. No Mexican-Americans are known to sit on the boards of any major US corporation. The New

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York Stock Exchange is likewise an Anglo male club: there are no blacks or Mexican-Americans among the 1366 NYSE floor traders and specialists and only one woman, Betty Friedan notwithstanding.

Responsible Corporate Action contrasts this high level "corporate apartheid" with some other interesting statistics. Though blacks are totally unrepresented on the boards of the 67 largest California-based corporations, they make up 7.5 percent of the state's work force and 10 percent of its Vietnam casualties. Mexican-Americans, equally unrepresented in the corporate power structure, make up 14 percent of the work force and 15 percent of the state's Vietnam casualties.

So what's to be done? Not only Mr. Nixon, but the governors of the 50 states could jawbone, encouraging corporations to conform more closely to the Administration's concept of a wider diffusion of power. Almost all these large enterprises are tied to government one way or another, through subsidy, regulation or licensing. The federal government provides $7.5 billion a day in interest-free deposits to regulated national banks, to whom it also grants semi-monopolistic privileges. Profit rates of six percent and more are guaranteed to the large utility companies by federal and state regulatory agencies. Oil companies enjoy the unique advantage of highly effective federal representation (now including a spokesman in the Cabinet, Secretary of the Treasury John Connally) with almost no federal taxation, thanks to depletion allowances plus special write-offs of expenses. The giant agricultural corporations receive a very large slice of federal farm subsidies (almost $4 billion in 1969), plus the benefits of massive reclamation projects ($208,023,000 in the '71 budget). Defense contractors are fed by Washington.

We haven't heard of any suggestion that Congress pass a law forbidding discrimination by race or sex in the selection of corporate directors or executives. But as has often been noted, the White House and the governors' mansions have persuasive authority that is not limited to processing new legislation. In addition, citizen pressure can be exerted through boycotts, shareholder movements (such as Campaign GM), demonstrations and publicity. Responsible Corporate Action has announced a campaign that will pluck each of these strings over the next few years. Its goal is modest: to persuade California-based corporations that 25 percent of their directors should represent blacks, Mexican-Americans and women – who, when combined, make up, 61 percent of the state's population.

Accountability, Mr. Nixon says, "really depends, in the end, on accessibility – on how easily a given official can be held responsible for his spending decisions. The critical question is not where the money comes from but whether the official [read corporate director] who spends it can be made to answer to those who are affected by the choices he makes." The President wants to "enhance accountability." So do we. And so do some people in California.

Regulating the Regulators

In his State of the Union address, President Nixon gave some broad hints on how and why he hopes to dismantle the administrative structure of the New Frontier and the Great Society. Last week the White House disclosed a plan for revamping the bureaucratic legacy of still earlier generations of reformers – the Ash Commission's report on Progressive and New Deal regulatory agencies. The President did not endorse the report. But the fact that he made it public – something the Johnson Administration backed away from after several similar blue-ribbon studies – shows that this White House is aware of growing disquiet about unresponsive government and unrestrained corporate power.

The Ash Commission plan goes far beyond facelifting. In substance, it appropriates the reform concepts of former Federal Trade Commissioner Philip Elman, a Democrat. While a member of the FTC, Elman proposed that the regulatory agencies be broken in two, their quasi-judicial powers to go to a new special administrative court, their investigative and prosecutorial powers to be vested in a single-headed adminstrative agency responsible to the President. Elman's ideas were drawn from a current of thinking which originated 15 years ago in the writings of Princeton political science professor Marver Bernstein. The same notions have been reflected in the efforts of the last three Administrations to house small, independent agencies in larger bureaucratic conglomerates like HUD, DOT, EPA, and now, the four catch-all superagencies Mr. Nixon hopes Congress will establish.

Under the Ash (or Elman or Nixon) plan, the Federal Power Commission, Civil Aeronautics Board, Maritime Commission, Interstate Commerce Commission, and the Federal Trade Commission would be stripped of their legal independence from Presidential control and would be run by a single administrator, rather than five, seven, or sometimes more commissioners. Their judicial responsibilities would be assumed by a special new administrative court. The FTC would be further divided, its Consumer Protection functions going to a new Federal Consumer Protection Agency, and the antitrust enforcement function to a new antitrust "board," which would have a somewhat undefined relationship to the antitrust division of the Department of Justice.

The braintrusters of the Progressive and New Deal eras thought that they had brought off a revolutionary redistribution of power in creating these regulatory commissions. They were to be run by "expert" public officials having broad legislative, executive and judicial powers. It was thought that they could and would overrule business management, that they would be a real force in determining the main direction of entire industries, which would henceforth operate more or

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less "in the public interest." We have become sadder and wiser. The "experts" more often than not have been political hacks, usually selected or at least blessed by industry lobbyists. The agencies have proven more cumbersome, inefficient and slow than the courts; major cases often take three or more years to wind through a three-tiered process of adjudication, from trial examiner to review board to the full commission. Every public-minded participant in the regulatory process has had occasion to recall the prescience of Attorney General Richard Olney's reassurance to a railroad president in 1894 that he need not fear the Interstate Commerce Commission: "The Commission is, or can be made, of great use to the railroads. It satisfies the popular clamor for a government supervision of the railroads, at the same time that the supervision is almost entirely nominal. Furthermore, the older such a commission gets to be, the more inclined it will be to take the business and railroad view of things."

Contemporary reformers have caught up with Olney's assumption that the traditional approach to regulation was doomed to fail. But it is far from clear that what the Ash Commission now recommends will work much better. It is true that a single-headed agency is likely to be more efficient and perhaps more sensitive to the public good. By removing the extra commissioners, Congress would not only take away a comfortable sinecure for Democratic or Republican state committee chairmen and trade association functionaries, it would throw a stronger light on the men appointed to head the agencies. The public would have clearer view of who is responsible, who is to be praised or blamed. It is also true, as agency lawyers understand, that a bureaucracy can move faster by going directly to court to obtain a preliminary pre-trial injunction against an errant corporation, than it can by relying on its own administrative procedure. It may even be true, to take the third principal idea in the new plan, that Presidential control will give the public more protection than it has had from the formal legal independence that has left regulatory agencies so vulnerable to industry representatives and so beholden to congressional appropriations subcommittees. (If the President's reorganization scheme is approved, one may anticipate a shift in campaign contributions by regulated industries from congressional to Presidential elections.)

But there are at least two defects in the plan, and they are serious enough to warrant a judgment that something more ambitious is needed. In the first place, a special administrative court would be no more immune to influence-peddling than the traditional agencies have been. Business lobbyists would concentrate on getting the "right" persons appointed to the court, just as they now work on appointments to the administrative agencies. There's no reason to expect that members of the court would be of finer grain or would be more resistant to industry interests than most agency members are today. The principal positive force in the governance of regulated industries in the past two decades has been the United States Court of Appeals for the District of Columbia Circuit. Federal appellate judges hear many kinds of cases; they are not parochial; their appointment does not attract formidable industry intervention. A sensible reform plan would not reduce the number of occasions when federal judges intrude into the world of administrative "subgovernments." (As a matter of fact, the notion of an administrative court was first advanced by Wall Street groups during the first decade of this century, as a device to head off more radical regulatory schemes favored by Populist and Progressive legislators.)

The second reservation we have to the Nixon plan is this: the root problem with most of the agencies is not their structure, but their very purpose. The industry-managing functions which form the core of the responsibilities of the ICC, the FMC, the CAB and to a lesser extent, the SEC, and which provide varying degrees of shelter from the antitrust laws for the motor carrier, rail, airline, shipping, and securities industries, should not be transferred to new institutions, whether called "administrative courts," "boards" or something else. These functions should be abolished altogether. Scholars have demonstrated over the past two decades that the unlimited discretion vested in these agencies allows cartel-management, fixing prices at higher levels than the market would permit, and pampering companies too inefficient to survive if it were their lot to fight for consumers' dollars on their own. In short, a revitalized FTC, run by a single administrator answerable to the President, designed solely to police the retail marketplace for fraud, and a similar SEC, its purposes confined to research and to guarding against fraud in the securities markets, would be an excellent reform. But in the case of most of the other agencies affected by the Ash scheme, wherever cartel-management and not consumer protection is their actual reason for being, the need is not for reform, but for abolition.

"Scoop"

If we hadn't read of the get-together last week in a Washington, DC, hotel of all the presumed Democratic candidates for the Presidential nomination in 1972, we wouldn't have believed that Henry M. "Scoop" Jackson (D, Wash.) really is considered a possible contender. Maybe we're wrong. Maybe there is a majority in the Democratic party which thinks the Vietnam adventure is bully, and that a Senate resolution to get US troops out by a fixed date is wrong, and

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that the ABM is fine, and that the military budget shouldn't be cut, and that congressmen shouldn't be required to disclose their assets, liabilities, gifts and outside income, and that "no-knock warrants" are justifiable, and that committee chairmanships should go automatically to senators with longest service. And maybe the aerospace industry should take over the whole government. Maybe. But we don't believe it.

Death to Capital Punishment

Several weeks ago, the National Commission on Reform of Federal Criminal Laws recommended abolition of capital punishment for all federal crimes. Last month, just before leaving office, Arkansas Governor Winthrop Rockefeller commuted 15 death sentences. A federal appeals court in Richmond recently decided that the Eighth Amendment's prohibition against cruel and unusual punishments prohibited the execution of a Maryland black convicted of rape, because he had not taken nor endangered the victim's life. And yet Congress and state legislatures are not likely to abolish the death penalty in the foreseeable future. Few governors will copy Mr. Rockefeller. And important as the precedent is, the ruling in Maryland does not apply to all rape cases, much less murder convictions which make up the overwhelming majority of capital cases. The fate of capital punishment, it now appears, will be settled by the Supreme Court.

The Court heretofore has considered only the methods used to select men for death, rather than the constitutionality of capital punishment itself. In 1968, in *Witherspoon*, the Court struck down the widespread practice of eliminating from capital case juries, those who express general disapproval of the death penalty. As a result, many predicted the end of capital punishment. But lower courts have taken such a restrictive view of the decision that most of the death sentences reviewed in its wake were reinstated.

The Court is now considering two other important aspects of capital case procedure. The first is the practice of allowing a jury to decide whether the defendant should be executed, without instruction from the court as to what principles of law, justice or mercy should guide its deliberations. The second practice, under challenge, allows the jury (in all but six states) to determine guilt and punishment simultaneously. This compels defense counsel to introduce facts which may, at one and the same time, tend to reduce the severity of punishment and establish the guilt of his client; the fact, for example, that the defendant, although present at the scene of the crime, did not possess the murder weapon. A defendant who takes the stand to tell the jury why he should not be put to death thereby subjects himself to cross-examination, in the course of which information may be elicited which tends to establish his guilt.

If the Court decides these questions in a manner favorable to criminal defendants (and there are more than 600 on death row today), it will have erected procedural obstacles to the imposition of a death sentence. Should the Court rule otherwise, however, only the argument that all capital punishment violates the Eighth Amendment will stand in the way of a general resumption of execution.

The Amendment's prohibition of cruel and unusual punishment expressed the framers' revulsion against medieval torture: disembowelment, the rack, burning and the like. Capital punishment itself, however, was a commonplace to men who wrote the Constitution. The first riddle of the Eighth Amendment, then, is whether it is to be considered a remedy for long-obsolete wrongs.

Professor Anthony Amsterdam of Stanford University Law School has argued that American society will accept the death penalty on the law books, but will not permit its even-handed application. In short, we tolerate the death penalty only because it is rarely applied, and because in those relatively few instances where it is used, the victims are usually members of a minority group. Can one easily imagine the execution of a substantial number of men and women who commit capital crimes, without widespread public revulsion? Remember that while over 10,000 homicides are committed each year in the United States, fewer than one hundred persons a year are sentenced to death. A nation of 200 million which has executed 10 men since 1965 and none since 1967 is not going to take kindly to the wholesale killing that non-arbitrary enforcement of capital punishment implies.

But so long as it is the isolated individual, and not hundreds, who is subject to execution, public conscience will never be sufficiently aroused to demand that legislators abolish the death penalty. Applying the Eighth Amendment and fundamental principles of fairness and equal treatment, the courts can protect an arbitrarily selected, invisible few from a penalty which would not be tolerated if generally applied.

Learn Now, Pay Later

At a time when some of the best colleges in the nation are running in the red, Yale has come up with an idea which could not only bail out the schools, but modify some of the underlying concepts of our educational system. Under a Pay as You Earn (PAYE)

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plan, any student would be able to borrow money to attend the university. He would repay the loan over about 35 years (most programs now require repayment in five or ten years). Payments would be fixed as a percentage of income, rather than at the amount borrowed – the percentage now suggested is .4 percent for every thousand dollars lent. Students entering high-paying fields of work would repay more than they borrowed; those who make less would repay less.

Consider what would happen if this plan went national and any student accepted by a college could borrow up to the total cost of his education. Operating costs of a college would no longer need to be financed through public funds, as they are at present in state and municipal colleges and universities. The burden for paying a large part of these costs would be removed from taxpayers and placed on the beneficiaries of higher education. The state would have a diminished or nonexistent obligation to finance the education of students from poverty-level families, since every student accepted would be guaranteed the right to attend school in return for a commitment of future earnings.

With financial barriers to college attendance removed, students as consumers could be more selective in their college choice. This free enterprise system would enable colleges to increase their tuition to a level more representative of the real cost of education. The temptation to increase it too much would run up against the fact that colleges would be competing hotly for students. The quality of education would be enhanced, since the colleges to which students did not seek entrance would suffer and perhaps be forced out of business. New colleges would be assured of operational funds in the years to come. Certainly, PAYE would increase minority representation; a student's family income would no longer be a significant determinant of where he goes.

Changes would also come about in middle and upper-class family financing of education for their children. Parents would no longer have to program family budgets to finance expensive educations, and many would no doubt regard the incurred liability as a maturing experience for their sons and daughters.

As the Yale plan goes into operation, debate will center around the best strategy for its management, on such questions as buy-out arrangements, tax deductions, and the responsibility for repayment of a married woman's debt. Yale will borrow from banks to offset the tuition deferrals, but if the scheme succeeds, the federal government might be encouraged to set up a resource bank, perhaps on the FHA model, from which all students could borrow sufficient funds to see them through. Loan payments could be incorporated in the federal income tax and be subject to the usual withholding. Deducted from earnings throughout the year, the money would be repaid automatically, and hardly be missed.

Filibusters

Liberals, many of whom are poor at arithmetic, like to think that they constitute a majority in the United States. They also tend to be addicted to ideological abstractions. We know whereof we speak, for we speak from introspection. And so on issues of the structure of institutions of government, liberals generally favor simple, straight-out majoritarian solutions. Hence, about every two years, they lead a fight to abolish the filibuster, or as currently in the Senate, to make it relatively easy to stop one by allowing cloture to be imposed on a three-fifths (60 percent) vote.

But of the several filibusters that marked the second session of the 91st Congress, and particularly its last few weeks, most were conducted by liberals – and to very good purpose: to block the supersonic transport or expenditures for US forces in Cambodia. For on most issues, liberals scarcely form a majority in the Senate, certainly not in the Congress as a whole. All too often, the problem the liberals face is not to get something past an obstructive minority, but to give an impatient majority pause.

Is the ideological case against the talk-a-thon, the case against it on principle, so strong then that the liberal position is justified even though, in practical terms, it runs counter to self-interest? Well, to begin with, a simple majoritarianism is not the overriding organizing principle on which the institutions of our government rest. Senate seats are not apportioned on a population basis, the Supreme Court is not a majoritarian institution, the Constitution itself, which is very difficult to amend, is not a majoritarian device, and neither very often is the Presidential veto. "The American idea of a democratic decision," wrote Walter Lippmann on the occasion of another of these anti-filibuster fights 22 years ago, "has always been that important minorities must not be coerced. . . . For if that principle is abandoned, then the great limitations on the absolutism and the tyranny of transient majorities will be gone, and the path will be much more open than it now is to the demagogic dictator who, having aroused a mob, destroys the liberties of the people."

It is of course true both that minorities can and should ultimately be coerced on many occasions – as in the past 16 years we have time and again successfully coerced an important segregationist minority – and that institutions and devices other than the filibuster are available for their protection. But the filibuster has the virtue at its best of giving the majority pause without necessarily stopping it, and of testing its intensity against that of the minority. The ballot is an excellent counting mechanism, but it neither measures nor weighs what it counts. It does not, therefore, register intensity, and we are consequently

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relegated, for the most part, to the street, or to exaggerated and even violent rhetoric, when we want to give witness of the depth of our convictions, and test the will and conviction of our opponents.

The filibuster could be destructive, if used indiscriminately by incontinent men, or if no majority, however large, were sufficient to overcome it. But all the institutions and devices of our government, not alone the filibuster, have it in them to destroy everything else in the process, once restraint and trust and ultimate civility are gone. And the power of a majority that is large enough and, what is more important, that is confident of the validity of its purposes and correspondingly determined, is ensured by the present Senate rule, under which cloture can be imposed by a two-thirds majority of members present and voting.

Sequestering Sanity

As the trial of Charles Manson and his female followers neared its end in Los Angeles, more than 17 jurors (including five alternates) had for more than six months lived a surreal nightmare. Sequestered in $30-a-day rooms in the Ambassador Hotel, they were able to see their families only for brief and infrequent visits; their newspaper, radio and television contacts were rigorously censored; the windows in the bus that took them to court were soaped up. Superficial signs of restlessness were manifold; one juror, a teetotaler before the trial, reportedly had taken to drink; other previously "straight" jurors grew moustaches and beards; several played a little game in which a rubber chicken was passed around and hidden under various jurors' pillows.

The purpose of locking up juries is to shield them from outside influences – chiefly publicity – that might impair their judgment. But might not prolonged isolation affect judgment more than any combination of newspaper and television stories could? How much does the loss of contact with accustomed reality, over time, distort the thinking process (as apparently it does with crew members of nuclear submarines)? Does a sequestered juror's longing to return home and to a routine not dominated by the details of a single crime predispose him against holding out for acquittal? As defense attorneys in the Manson case have noted, sequestering a jury does not shield it equally from both sides in a criminal case, though that is the intent of the law. Jurors are protected from influences that might be beneficial to the defense, but they're constantly in the presence of friendly sheriff's deputies. Sequestering is used only in exceptional cases (of which there have been several in recent years) that are surrounded by extensive publicity, yet even in such exceptional circumstances it may not be the best guarantor of justice. Who's to know that in the Manson trial, or any other, sealing off a jury biases the verdict any less than allowing jurors open access to all news – inflammatory or otherwise?

Muskie on Withdrawal

In political parlance, talking "for the record" means talking for effect. Thus, members of Congress frequently introduce resolutions, not expecting they will be debated, much less adopted. The effect intended is a "right image." The resolution is evidence of good intentions; the lawmaker has *done* something. Reams of such resolutions, on Indochina, were dropped in the Senate hopper last year, filed, and forgotten. One of them bore the signature of Edmund Muskie and was introduced on May 11. It called upon the government, to "declare that all its forces and military personnel will be withdrawn from Indochina in a specified time, not to exceed 18 months from the date of adoption of this resolution."

How rapidly and how completely US forces are disengaged, is, of course, at the heart of the controversy between the President and peace-minded critics. As the front-runner for the Democratic Presidential nomination, Senator Muskie's position is of national importance. Now, the pending Indochina resolution which has the broadest sponsorship in the Senate is the one offered by McGovern, Hatfield, Hughes, Cranston and 17 co-sponsors. It asks for the completion of US withdrawal by December 31, 1971. Mr. Muskie is not a co-sponsor, an absence that prompted the following exchange on *Issues and Answers*, February 7. "You have said you agree in principle," Senator Muskie was asked, "with the idea of setting a specific cut-off date for getting all American troops out of Vietnam, yet you are withholding your support, at least for the time being, from the McGovern-Hatfield amendment. Is there a question in your mind as to whether December 31 of 1971 should be the cut-off date?"

Senator Muskie: "Not at all. That is the date that became the symbol of this objective, and I think it is as good a date as any. . . . I think that deadline is a good one and a good target."

Mr. Clark: "Well, do you have some other reservations about McGovern-Hatfield? Are you considering phrasing your own withdrawal amendment, or just what?"

Senator Muskie: "I introduced a resolution of my own last May geared to that deadline. Senator McGovern is not here to endorse that one, and is not giving me a reason for not doing so. I don't have any questions

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about the objectives of . . . McGovern-Hatfield. . . ."

It was not a straightforward reply. If Muskie agrees in principle with McGovern-Hatfield, why had he not associated himself with it? His own resolution of last May is beside the point; it died when the 91st Congress ended, and as of the time Senator Muskie replied to his questioner, it had not been reintroduced. Moreover, the Muskie resolution was never vigorously pushed. No hearings were held on it. And even were it reintroduced this week, and debated, approved and complied with, the withdrawal deadline would be as distant as the summer of 1972.

Back to Chicago?

The Democratic National Committee soon begins selecting a site for the 1972 Democratic Convention. Mayor Richard J. Daley is anxious to have the party return to Chicago. McCormick Place, the lake-shore convention center that was gutted by fire in 1968, is now rebuilt and looking for business. Daley himself expects to be reelected to his fifth four-year term this April, and wants to cap his long career by helping choose, at home, the 38th President.

Senator George McGovern astonished many of his supporters last month by agreeing with Mayor Daley. Going back to Chicago in 1972, he said, would prove that Democrats had reconciled their divisions. Edmund Muskie is known to have no objection to Chicago. We do. We remember how Daley and his men denied permits to those who lawfully sought to demonstrate against the war; how he got telephones onto the convention floor but not into the hotels or on the streets (where TV remote units needed hook-ups to broadcast live); how he packed the galleries with his henchmen while the public was kept out; how his police clubbed and roughed up demonstrators, newsmen and delegates, going so far as to attack young McCarthy staff members on the fifteenth floor of the Hilton Hotel the morning after the convention had ended; how he shouted obscenities (and allegedly a religious slur) at Senator Abraham Ribicoff, who had the courage to denounce police brutality. Why give the mayor yet another crack at glory?

Reconciliation is an admirable goal but it should not be on Daley's terms. It must come through a truly open convention in 1972, a convention in which every delegation – including Illinois' – is democratically selected and able to vote as its members see fit; a convention in which every participant, be he delegate, reporter or peaceful demonstrator, can be free of police intimidation. If the mayor of Chicago desires to work for and take part in such a convention, he is welcome – but not on his desecrated home turf.

The Nixon Watch

Games with Muskie

Mr. Nixon came up with a good environmental program on February 8. Russell E. Train, chairman of the Council on Environmental Quality and the President's ex-officio assistant in that field, over-spoke himself when he called it a great, truly remarkable and exciting program, loaded with "brand new" proposals and "a whole new set of new federal initiatives." But it was comprehensive, moderately bold by Nixon standards, a substantial extension of the 37 proposals for the control of pollution and preservation of the environment that the President submitted in a message to Congress a year ago.

Perhaps the best testament to the 1971 Nixon program came in two ways from Senator Edmund S. Muskie of Maine. Senator Muskie, whose bid for the Presidency rests in part upon his standing as a dedicated protector of the environment, found nothing worth public criticism in the Nixon proposals when and immediately after they were announced in a second congressional message. He also flattered them by anticipation, including and enlarging upon several of them in a bill of his own that he introduced six days before Mr. Nixon sent up his message. In doing so, the Senator appeared to Russell Train and his associated environmental specialists to confirm their suspicion that the Muskie staff spends a good deal of its time and energies tracking prospective Administration moves in this policy area and seeing to it that Muskie gets there first with the most. It was this suspicion, embittered by Senator Muskie's current ascendancy over the President in public opinion polls, that accounted for and, in the view of Nixon people, justified the crass exclusion of Muskie from the White House ceremony at which the President signed and took credit for an air pollution bill that the Senator had strengthened and guided to enactment. Nixon assistants argued at the time that they merely played tit for tat on that occasion. They felt that the press, in making a martyr of the snubbed Senator, should have noted that he is not above environmental scene stealing.

Senator Muskie said the other day in another connection (Indochina policy) that he does not let his budding rivalry with the President influence his views on serious questions. Muskie assistants naturally maintain that line, but they do not take it to the point of denying that the Senator and the President do a certain amount of environmental cribbing from each other. They say pretty much what is heard at the White House – namely, that in a policy field as thoroughly ploughed as the environment has been, there are no really new ideas and no claimants to exclusive possession of the available ideas. To an extent that must vex the Nixon people when they think about it,

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and offers the Muskie people large opportunities for future exploitation. The same observation applies to several other policy areas now in favor with the President. Between 1962 and 1969, when Mr. Nixon was climbing from the abyss to the Presidency, Senator Muskie was making a record for himself, surprising in its breadth to anyone who hitherto has overlooked it, in such matters as the sharing of federal revenues with states and localities, bringing structured order into federal-state relationships, draft reform, and improvement of the President's own administrative and policy mechanisms.

The subject of the Muskie-Nixon contest for preeminence in environmental protection is handled with mingled frankness and delicacy by the Senator's assistants. "The Senator feels," one of them said just before Mr. Nixon sent his latest program to Congress, "that you preempt by performance and not by rhetoric. So I don't think the Senator really worries much about whether the President is doing any preempting." Another Muskie assistant addressed himself to the question of preemption as it is posed at the White House. "I can see why they might be a little sensitive on this," the Muskie man said. "It's always been the Senator's practice to accept good ideas, whatever the origin."

Reporters trying to get some advance indication of the President's 1971 program noticed in late 1970 that Russell Train and others who were shaping up the program were more anxious to keep the details from Muskie than from the public. It was a vain endeavor. The Muskie staff knew what to expect in the Nixon message well before it was either submitted or cleared with the Republican leadership in Congress and before, incidentally, Muskie's previously mentioned "Water Quality Standards Act of 1971" was introduced on February 2. Train told reporters on February 8 that they would have to await delivery to Congress of 14 bills implementing the Nixon proposals. Leon Billings, a Muskie man on the Senate Public Works Committee staff, had in hand that day the 20 original Administration drafts from which the 14 bills to be submitted were still being condensed. It has appeared to Muskie's staff for many months that their communication with federal agencies and departments has been steadily constricted, either at White House instruction or simply from the natural caution of a highly politicized bureaucracy. But in vital matters, such as forthcoming Nixon proposals that particularly interest Muskie, the intelligence service continues to function. "We still have some friends down there," a Muskie man said, meaning, at the White House and in its vicinity.

Nixon proposed to increase federal grants for municipal sewage treatement from the present $1.25 billion to $2 billion a year, with a total of $6 billion over three years. Muskie's bill upped the ante to $2.5-billion a year, for five years, and with provision for matching funds aimed at an overall $25 billion sewage program instead of Nixon's $12 billion. Muskie similarly proposed, just ahead of Nixon, the strengthening of federal water-quality standards, their extension to navigable and other waters not now covered; and broadened requirements that the standards be applied to industrial and other private sources of pollution. A proposal prized by Nixon would empower the new Environmental Protection Agency to restrict and penalize the production and use of toxic chemicals and metals that may contaminate the waters. Muskie dealt with that one, too. The Senator's men could claim, and did, that he had been years ahead of Nixon with controls on ocean dumping and proposals that utilities be required to preplan, in stages of from two to ten years, the siting and construction of power plants and power lines, so that state governments and, if necessary, the federal government could curb adverse environmental effects.

The one proposal that put Nixon ahead of Muskie was to penalize, with a special tax, both the production and use of high-sulphur coal and fuel oil. Whether to place the major emphasis at points of production or at points of use was still to be decided, in consultation with the same House Ways and Means and Senate Finance committees that refused last year to consider and report for passage a similar Nixon tax on high-lead gasolines.

Muskie could claim only peripheral pioneering of what the President labelled a new national land-use policy. The national policy appeared to consist principally of encouraging state governments to adopt and enforce adequate land policies and, in the process, to take over from local governments many of their present zoning and other restrictive powers. Muskie has long contended that sufficient guidance and control of land use at state and local levels can be accomplished only when the wide variations in property taxation are rationalized and standardized. The Nixon message omitted any reference to national land standards that the states might be required to meet. Train and Rogers Morton, the new Secretary of the Interior, seemed at a White House briefing on the message to evade questions about that omission, as if the Administration did not want at this stage to deal with factors that might becloud its contention that the way to improve state performance in this and many other policy areas is to put maximum responsibility and minimum federal control upon state governments. This approach is basic to Nixon's emerging philosophy of government. Whatever they may think of it, liberal critics of the Administration will have to recognize it as a serious Nixon objective and a serious challenge to the liberal assumption that state governments are inherently deficient.

John Osborne

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The Stakes in the Rural South

Family Assistance

by Lester M. Salamon

Liberal critics, looking only at the urban North, have justifiably attacked the President's Family Assistance Plan for the miserably low payments it proposes ($1600 for a family of four). What they overlook is what the plan could do for democracy in the rural South, and what I suspect it could do in Appalachia as well.

In the wake of several black electoral victories in the South (the election of Charles Evers as mayor of Fayette, Mississippi or the success of black candidates in Greene County, Alabama) we have been encouraged to think that the Voting Rights Act of 1965 brought democracy to Southern blacks. Nothing could be further from the truth, despite the rise in Southern black voter registration and the dramatic increase in the number of black office-holders. While Charles Evers was marching towards victory in Fayette (population, 2000) in 1969, 13 other black mayoral candidates and some 150 out of 176 black candidates for minor aldermanic posts in Mississippi went down to defeat. The 1970 local elections in Alabama produced much the same results: a few notable successes overwhelmed by far more numerous defeats. If political power for blacks in Mississippi and elsewhere in the Deep South requires that every candidate have the charisma, drive, nerve, reputation, political skill, and outside assistance of Charles Evers in order to win election in a town of 2000 people, don't get your hopes up. In only one out of the 29 black majority counties in Mississippi have more than 50 percent of the eligible black voters turned out to vote in a county-wide election since 1965, despite the Voting Rights Act – and that one is Jefferson County, the tiny county that is Evers' political base. The US Commission on Civil Rights made the point in its 1968 report: "The gains that have been made have great potential – but they are fragile."

The low turnout and somewhat disappointing performance cannot be attributed simply to apathy. The Voting Rights Act eliminated the major *political* barriers to voting; it left the economic barriers undisturbed. Economic dependence and a corresponding fear of economic coercion remain. During registration campaigns of the early 1960s, one national civil rights group developed a standardized form for checking off excuses blacks gave for not registering. As journalists Reese Cleghorn and Pat Watters report, "fear of economic pressure" consistently headed the list of items checked. "If you can afford to vote," one Mississippi banker used to tell black applicants, "you don't need a loan." "Those fellers from the Justice Department thought they were so smart when they gave the vote to these illiterate darkies," the white county attorney in Wilkinson County, Mississippi told me last summer. "What those smart fellers didn't realize is that we can still get to these darkies in a whole lot of subtle ways." Campaign workers for Saul Sutton, the able black candidate for mayor of Tchula, Mississippi in 1969, learned what this meant when they tried to get black voters to the polls. "Baby, I sure would like to vote for Saul," one woman explained, "but this is still Mississippi." Sutton lost the election, 261 to 241, in a town where potential black voters outnumbered whites 412 to 254.

Economic dependence and low income are not the same. A statistical analysis of voting patterns in the 29 black majority counties in Mississippi shows that the key to black voter turnout in the rural South is not the *amount* of income but the *source:* counties with the highest turnouts are generally not the wealthiest, but the ones in which the fewest blacks are directly dependent on whites for their livelihood. Mississippi counties like Holmes, Issaquena, and Jefferson, for instance, have black median incomes that are the lowest in the state, yet have the highest black political participation rates. In counties like Leflore, Coahoma, and Washington, on the other hand, the black median family income is at least 50 percent higher, yet black participation rates are only half as great. The key difference is that the first set of counties have sizable cadres of black landowners and other blacks whose income is not derived from whites, while the latter do not. This finding gives empirical support to the conclusion of the US Civil Rights Commission in 1968 that barriers to black participation in the South can be

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overcome "only by eliminating the economic dependence of Southern Negroes upon white landlords, white employers, and white sources of credit – dependence which deters Negroes from voting freely and seeking political office." All of which brings us to the President's Family Assistance Plan.

For the thousands of displaced farm families trapped by poor education and lack of alternative employment, North and South, the welfare system has meant a new kind of serfdom. Not only are benefits meager, but vast numbers are excluded from coverage and those who do get aid are subjected to discretionary control that circumscribes their political freedom. The President's plan would significantly alter this situation. In the first place, it would measurably increase benefits. Although 42 states already provide welfare assistance greater than that promised in FAP, and would therefore have to continue making supplementary payments (so-called "Section E benefits"), Alabama, Arkansas, Louisiana, Mississippi and South Carolina currently provide benefits beneath the income floor established under FAP ($500 per year for each of the first two family members plus $300 for each additional member). Mississippi, for example, expects its 29,500 AFDC families (93,400 children) to survive on a paltry average of $564 a year. Louisiana gives its 47,000 AFDC families (155,000 children) a lordly $1000 a year, and refuses to up the ante even though the federal Treasury pays much of the costs. FAP would raise these levels, not enough to take the families out of poverty, but enough to make a noticeable difference. In Mississippi, welfare benefits for some families would double, or even triple.

In addition, FAP would extend coverage to hundreds of very poor Southerners – black and white – who are now excluded from benefits. The US Department of Agriculture estimates that 929,000 Alabamians lack the income to buy even a "marginal" diet. Yet only 277,000 of these benefit from USDA's own food assistance programs. By extending aid to the "working poor," FAP would help remedy this situation, qualifying an additional 400,000 Alabamians for family assistance payments.

From the point of view of Southern democracy, however, the value of the Family Assistance Plan lies not so much in its effect on levels of assistance or extent of coverage, as in its implications for the question of power. For decades, the welfare system in the South has been an instrument of social control, keeping field hands alive at federal expense during the winter, then forcing them into the fields at low wages in the spring and summer. When civil rights activism disturbed the calm of Southern rural life, the welfare system was available for, and easily adapted to, discouraging "troublemakers." County officials systematically suspended commodity distributions and warned that benefits would be restored only when local blacks surrendered their "uppity" ideas about changing the local balance of power. Even though explicit blackmail of this sort has declined of late, the discretionary power of county welfare boards continues to keep many a would-be activist from political involvement, and to put off indefinitely the time when hundreds of thousands of black Southerners can begin to exercise their rights without fear of reprisal.

The President's plan does not eliminate all local discretion in welfare administration, as senators like George McGovern have pointed out. States would still administer the food assistance programs, as well as the supplementary "Section E benefits" required in the 42 states where family assistance payments would be lower than current welfare payments, and where state supplements would therefore be necessary. In both areas, however, the new plan does offer financial incentives for states to turn control over to HEW. As for the basic family assistance payments themselves, the President's proposed law calls for federal control from the outset, although it gives the Secretary of HEW the option of giving up this control to individual states. An amendment proposed by Senator McGovern would eliminate even this potentially damaging option and guarantee the federal supervision Mr. Nixon's spokesmen profess to favor.

What all this frustratingly complex detail could mean for the Deep South – where welfare payments are below FAP levels and state supplements are therefore unnecessary – is that control over most welfare payments will effectively be taken out of the hands of local powers-that-be and vested in Treasury Department computers that would henceforth process welfare payments in the same efficient and impartial manner that they now process income taxes and social security benefits. If local discretion is limited in the certification process, the eligibility of Mrs. Lela Mae Brooks of Sunflower, Mississippi for assistance would no longer be influenced by her participation in what is known locally as "that mess," the Freedom Movement. FAP could thus release a large army of poor people from the debilitating fear of losing their small but desperately needed benefits if they are to vote against "Mr. Charlie."

The Family Assistance Plan is the only measure considered seriously by Congress during the past three decades that could do what the Civil Rights Commission called for three years ago: "action by the government to overcome problems of economic dependence, in recognition of the fact that citizens will never be truly free to exercise their political rights if they must fear the economic consequences of their acts." With local elections in Mississippi approaching in the summer and fall of 1971, the stakes are high. Liberals and moderates who dismiss the Family Assistance Plan because it fails to do enough for the poor of the urban North run the proverbial risk of throwing out the baby with the bath.

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Government Committees Serving Private Interests

The Invisible Bureacracy

by Robert W. Dietsch

There are more than 3200 committees, commissions and boards to advise the Executive Branch and Congress. More than 20,000 individuals serve on these groups, from which more than 4400 professionals earn a salary. The advisories cost more than $65 million a year, four times what the federal government spends to enforce all civil rights laws. A House committee study found there are advisory committees to advise advisory committees, committees which never meet, committees with paid staff which never meet and committees which go on forever. There are 140 Presidential commissions on the books, 31 "intergovernmental committees" created by the White House to advise the President, and 190 "inter-agency" committees which include one or more cabinet officers and which also presumably counsel the President.

Most of those committees are stacked in favor of special interests. They meet in secret, their proceedings are kept confidential and woe is the public representative who tries to intrude. This government by committee is really a giant lobby for business and industry; it was termed by the House study "the fifth arm of the Federal Establishment." (Regulatory agencies are the fourth.)

Both the House Government Operations Committee and Sen. Lee Metcalf's Intergovernmental Relations subcommittee have turned up the news that an industry-dominated group – the Advisory Council on Federal Reports – was able to delay implementation of a major anti-pollution program for seven years. The Advisory Council on Federal Reports came into being during the early 1940s, after Congress passed the Federal Reports Act and told the Budget Bureau (now a part of the Office of Management and Budget) to coordinate collection of information by government bureaus from industry. The idea was to cut down on the "paperwork jungle." "Within a year," Sen. Metcalf says, "the Budget Bureau began to develop advisory committees, although the act provided no statutory basis for them. These committees deal with banking, chemicals, communications, equal employment, fats and oils, meat packing, natural gas, oil, railroads, trade and utilities. These committees are housed within the Advisory Council on Federal Reports, which terms itself the official business consultant to the Budget Bureau. Yet it states it is responsible only to the business community. In fact, it is funded by private groups, not by the government."

Thirty years ago, government agencies were mostly interested in getting simple statistics from industry: number of employes, hours worked, sales, plant expenditures. Today, many of the reports sought from industry provide raw data on which policy and new law are based, especially in the areas of pollution control, safety, taxation. The manner of collection of information goes to the heart of government policy-making and law enforcement. Thus when the government first began to solicit information essential to writing legislation to limit dumping of industrial wastes into streams and lakes, it sought Budget Bureau permission to send questionnaires to industry. The bureau, in turn, sought the advice of the Advisory Council on Federal Reports, which set up a committee of its own including representatives of duPont, the Manufacturing Chemists Association and the American Paper Institute. Nobody thought of consulting environmental and conservation organizations, nobody thought of insisting that consumer representatives take part in discussions or even that meetings should be public. "Instead of discussing questions such as the availability of data and techniques of collecting it," Rep. Henry S. Reuss says, "the advisory council used the meetings on the inventory, which were closed to the public, to attack the basic policy decision of the Federal Water Quality Administration to establish the needed inventory. They sought to keep all data collected a secret." It was only after congressional prodding and publicity that the questionnaire was approved by the Budget Bureau. But even then there was a catch: the government decided that the water waste inventory would be voluntary on the part of industry. To this, Ralph Nader says: "This inventory was designed . . . to find out how much water pollution there is, what kind of pollutants are being dumped, when, where, by what companies. . . . How in the world can there be standards developed, how can there be sanctions imposed if it is not possible for the regulatory agency to have information about what contaminants are poisoning our waterways? Here are companies unleashing poisons, chemicals in the public waterways, the most precious resource we have, and the OMB is going to, in effect, approve the industrial claim that they have a trade secret and a property right in the poisons they unleash on the unsuspecting public."

Three years ago Congress passed the Natural Gas

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Pipeline Safety Act after a number of serious explosions and after recognizing that 500,000 miles of underground natural gas pipelines without safety standards were a public threat. The Office of Pipeline Safety in the Transportation Department proposed a questionnaire to find out, among other things, how much pipe there is in the ground, depth of the pipe, age and other factors pertinent to public safety. The Pipeline Safety Office channeled the questionnaire request, as law required, through the Budget Bureau, which called in the appropriate subcommittee of the Advisory Council on Federal Reports. As Nader puts it, the advisory subcommittees "went into action. They objected specifically about being required to report the location and age of pipeline systems. They claimed they don't know the full age of their systems. Well, of course, that is exactly what the act was designed to remedy, to require these companies to find out whether these underground pipeline systems were 70, 80, 100 years old, whether they were made of cast iron or in some cases wood – hollowed-out wood."

Nader also mentions the National Highway Safety Bureau's abortive attempt to get clearance on a "garage repair reporting form" designed to get information on maintenance and auto repair problems and maintenance and repair rates on various auto parts. The budget people automatically threw the questionnaire request into the hands of the auto industry which "picked every question apart." The Budget Bureau accepted the industry's commentaries and threw the form back at the National Highway Safety Bureau. The point is not that government agencies should have the indiscriminate right to ask questions and arbitrarily demand information from industry, or that government agencies have always the required expertise; the point is that nowhere in the government is there a qualified and funded surrogate to act in the public interest. The Advisory Council on Federal Reports is the only advisory committee to government which is privately funded by industry. It has an office in Washington and a propaganda communications system linked throughout industry.

The Advisory Council committees aren't the only ones to be stacked. The Technical Advisory Committee to the Office of Pipeline Safety is supposed to include six "public" members. Four are directly connected with the industry and a fifth is a professor of metallurgical engineering who moonlights as a consultant to industry. Rep. John R. Moss says that "consumer representation as well as small business representation in the form of service station operators, distributors and refiners were excluded from decision-making sessions of the Administration's Panel on Automotive Fuel and Air Pollution during its study on leaded fuels. Interested public segments as well as the press were barred from decision-making sessions of a special industry advisory group charged with making a judgment on policies to be set in coping with offshore oil spills in California and elsewhere."

Health, Education and Welfare has more than 500 advisory committees, many fully staffed by industry. The department says transcripts and minutes of their meetings are not made available because their "release would inhibit effective committee action and preclude further successful development of discussions and recommendations." The department admits it has no statutory authority to keep advisory committee meetings closed, but it keeps them closed anyhow because, it says, there is no law prohibiting secret meetings. So runs the bureaucratic mind. HEW has one advisory group on hospital safety, and it includes several representatives of automatic sprinkler companies. Guess what the advisory group recommended and HEW adopted: a new regulation requiring hospitals to have automatic sprinkler systems.

Nor are Presidential advisory committees much different. Last April, President Nixon established the National Industrial Pollution Control Council to "allow businessmen to communicate regularly with the President, the Council on Environmental Quality and other government officials and private organizations which are working to improve the quality of the environment." Today this council has 63 members representing industry and 30 subcommittees which include 136 other industrial leaders. In short, the advisory group is composed of executives of companies which contribute most to environmental pollution. There is no Presidential council of environmentalists, conservationists, educators or others whose attitudes about pollution differ from those men advising the President. One of the "public" members named to a financial advisory panel of the new National Railroad Passenger Corp. is an executive of Goldman, Sachs & Co., the New York City securities firm that is being sued for selling Penn Central commercial paper shortly before the railroad went bankrupt.

Then there are those advisory committees which are ignored, go on forever, never meet, with or without professional staff. There is, for example, the Marine Corps Memorial Commission created on Aug. 4, 1947, to "consider and formulate plans for the erection of an appropriate memorial upon a site in Grant Park, Chicago." It hasn't done a thing in 23 years. The President's Council on Physical Fitness has met four times in its 10 years of existence. The House committee says, rightly, that "many Presidential commission reports are ignored by the President." Two recent and prime examples: The National Commission on Urban Problems (cost: $1.5 million) and the Commission on Obscenity and Pornography (cost $1.8-million). The National Commission on Technology, Automation & Economic Progress issued more than 20 recommendations, which were ignored by the Lyndon Johnson White House. Nonetheless, Mr. Johnson

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appointed (another $1 million) a Commission on Income Maintenance Programs to plough through the same ground, and now Nixon has his Commission on Productivity to triplicate things. The National Commission on Civil Disorders conceded it found little new that wasn't in Presidential commission reports issued on the Chicago riots of 1919 and the Harlem riots of 1935.

Why can't Congress – through its funding powers – discourage departments and agencies from creating so many advisory groups which become lobbies for special interests? It should quit creating so many advisory committees on its own; beefed-up committee staffs could do the fact-finding. It should limit the life of advisory committees, define more specifically their mandates, require the inclusion of legitimate public representatives on all such groups. Force these committees, these commissions, to hold open hearings, file public reports, give public notice of hearings and meetings. Reduce sharply Office of Management and Budget reliance on the Advisory Council on Federal Reports (the "management" side of OMB is beginning to hire more than 60 "management experts" to help OMB Director George Shultz & Co.). Thirty-two hundred advisory bodies have helped breed an invisible government-industry complex. What good do they do?

The Nuclear Option

What Price Victory?

by Hans J. Morgenthau

Recent events in Cambodia and Laos have clarified three important aspects of our involvement in Indochina: the nature of Nixon's Indochina policy, the inability and unwillingness of Congress to change more than the modalities of that policy, and the nature of the victory we are likely to win.

Before the 1968 election, many – myself included – thought that Nixon, clever politician that he is, would make it his first order of business to liquidate the Vietnam war. He could easily have done it, telling the world that the United States had honored its commitment to the freedom of South Vietnam and that it was up to the South Vietnamese to decide what to do with that freedom, and telling the American people that he was putting an end to Johnson's war as Eisenhower had put an end to Truman's war in Korea. It has now become obvious that Nixon's policy of "winding down" the war is not the same as ending it. Faced with the choice between the Algerian solution – admitting a mistake and liquidating it speedily and without qualification – and fighting on to victory – victory meaning the perpetuation of an anticommunist government in Saigon – Nixon has chosen the latter alternative. However, he cannot pursue victory with the costly and ineffective conventional means Johnson used for the same purpose; for the American people and Congress have made it clear that they will no longer support such a war. The Cooper-Church amendment, prohibiting the use of American ground troops and advisers in Cambodia, expresses that popular and congressional mood.

That mood, however, does not necessarily favor the Algerian solution. What this mood is against is the continuation of a war fought with American ground troops at a casualty rate out of all proportion to the gains made and to be expected. It is against this kind of a war that public and congressional opinion has turned, but it has not turned against a war fought more effectively and more sparing of American lives. It is this kind of a war Nixon is waging and proposes to wage till victory. He proposes not to end the war but to change its nature. As an Air Force officer said to Alvin Shuster of *The New York Times:* "We will be around a long time to come. You won't see any deadlines on the withdrawal of air power from this place."

It is characteristic of a counterinsurgency war, that is, of a war fought against a whole people or at least a large segment of it, that its primary aim is not the conquest of territory but the destruction of the will to fight of the insurgent population by killing insurgents. If that will proves to be virtually indestructible then

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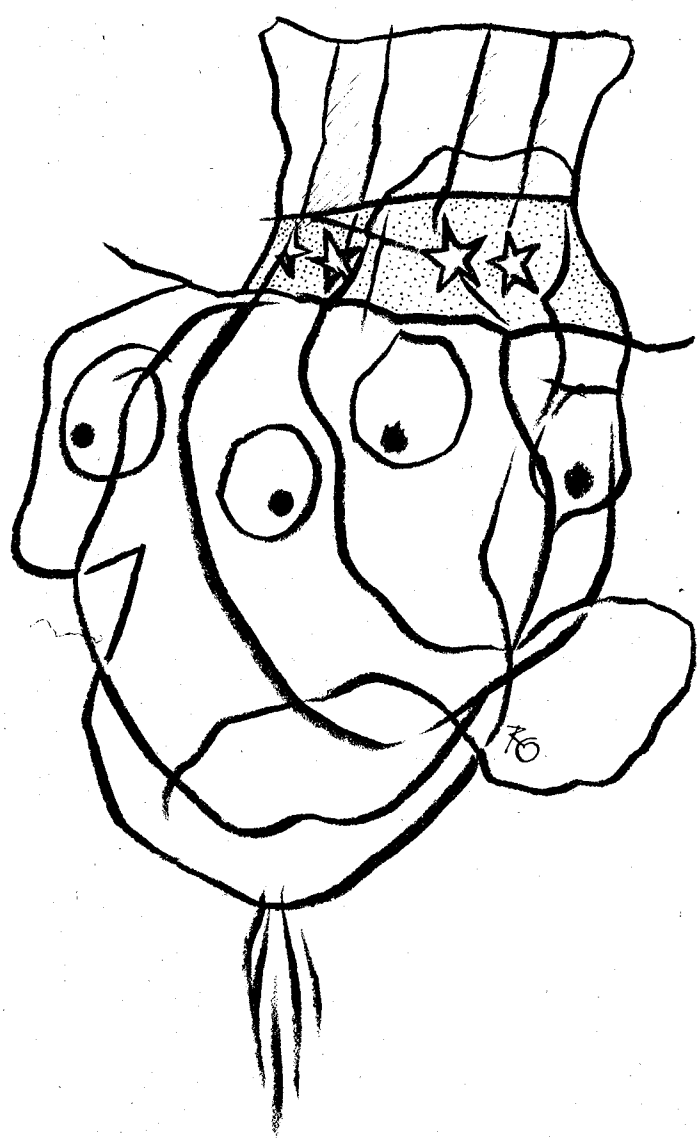
the physical destruction of the insurgent population itself becomes the primary aim. Hence "search and destroy" as the strategy of the Indochina war and the body count as the measure of victory. Yet in practice "search and destroy" on the ground has revealed two drawbacks and, in consequence, has undergone a significant transformation.

The search for the enemy has frequently been in vain and has therefore frustrated and demoralized the searching troops, as has the impossibility of distinguishing between the combatant insurgents and the hostile or indifferent civilian population. Furthermore, "search and destroy" has been turned effectively by the insurgents against their enemies through ambush and booby traps. Thus inevitably what was intended as a discriminating "search and destroy" operation was transformed into indiscriminate destruction of the actual or potential enemies, that is, of the whole population actually or presumably friendly to, and controlled by, the enemy. Yet while "search and destroy" requires operations on the ground, indiscriminate destruction is much more effectively and economically carried on from the air. As a Laotian general put it to Henry Kamm, according to *The New York Times* of February 6: "Maybe in three years, or maybe earlier, there will be only women in Laos."



Thus the prohibitions of the Cooper-Church amendment compelled the Administration to change the main locale of its operations from the ground to the air, a change which the results of the ground war suggested anyhow and which it has put into practice in good measure on its own initiative in Vietnam and Laos. Thus the Cooper-Church amendment compels the Administration to do completely in Cambodia what it has already done partially in Vietnam and Laos and what it would have done anyhow to a considerable extent.

While the Cooper-Church amendment ratifies and legitimizes a change in the tactics of the war which the failure of the ground war had already suggested to the Administration, it intends to impose one real limitation upon the Administration's freedom of action: any use whatsoever of ground troops and advisers in Cambodia. This limitation, unqualified and absolute, runs counter to the Administration's resolution to leave Indochina undefeated and victorious. In the measure that the Cambodian and South Vietnamese forces are unable to hold their own, they must be supported by the United States. The margin of victory which these forces cannot supply must be supplied by the United States.

If air interdiction is all that is needed, the Administration will remain within the limits of the Cooper-Church amendment. If more is needed, such as close combat support from the air, the ferrying of troops by helicopter, and the supervision of the use of American weapons, the Administration will stretch the Cooper-Church limitations to the breaking point. For instance, a helicopter crew which is shot at after having landed with its troops or cargo is not likely to hide behind a copy of the Cooper-Church amendment but will shoot back, and a "military equipment delivery team," in or out of uniform, cannot help but advise the recipients in the use of the delivered hardware and may have to accompany them into combat in order to make the advice effective. If American personnel on such a mission should be unable to hold their own against an enemy attack, ground troops would of course be sent in to rescue them. Thus one thing on the ground would lead to another, and the Cooper-Church amendment would join a number of other congressional enactments trying in vain to limit executive discretion in the conduct of foreign and military policy.

These possible and even likely developments, however, do not presage a repetition of the Vietnam experience, culminating in a massive American engagement on the ground. The Administration is committed to disengagement on the ground, and reescalation of

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the war on that level, even if the Administration had learned nothing from the fiasco in Vietnam, would threaten political disaster in 1972 and would be militarily hazardous on account of the beginning disintegration of the American Army in Vietnam. What we must guard against is not a repetition of the Vietnam experience in Laos and Cambodia. The Administration is committed to winning the war from the air, and it is this commitment that casts an ominous shadow not only over Southeast Asia but over the United States and Western Civilization itself.

A genuine war of national liberation, such as the people of Vietnam have been fighting for 25 years, can be won by the foreign power only if the latter is able to kill so many enemies that the survivors have no longer the will and, more particularly, the means to fight on. What we have done in Vietnam on the ground and from the air has failed to win the war, and what we are doing in Laos and Cambodia from the air and what the South Vietnamese are doing on the ground is not likely to win it either, at least in the short or tolerably long run. Of course, if we were to bombard the Indochinese landscape from the air systematically year-in and year-out, we would utterly destroy the land and the people and thereby have won the war. But the Administration cannot afford to wait that long, and it has in its armory a weapon that can expedite dramatically the process of destruction and, hence, victory.

It stands to reason that what conventional warfare on the ground and from the air is achieving gradually and with painful and risky slowness, a few judiciously placed "tactical" nuclear weapons – and note that the Hiroshima and Nagasaki bombs are now categorized as "tactical" – could accomplish overnight. It would be surprising if this obvious and simple fact had escaped the attention of the makers of our Indochinese policy. Indeed, it is an historic fact that Nixon as Vice President recommended in 1954 the use of nuclear weapons in Vietnam, and there are indications that more recently the use of such weapons was seriously considered. More importantly, the logic of the Administration's position points ineluctably in this direction. The Administration is committed to leaving Indochina only after it has won a victory. It has not won that victory with the conventional means thus far employed. It is not likely to win it within a tolerable period of time through the continuing employment of conventional means. Vietnamization, in particular, even if it turns out to be successful, will not, and is not intended to, change the – unsuccessful – strategy of the war; it will only change the color of the casualties, and has already done so in considerable measure.

Both the extension of the ground war into Cambodia and Laos and the enormous intensification of the air war testify to the failure of the conventional strategy. Since we cannot win the war by employing conventional means in Vietnam, we are trying to win it by employing the same means in all of Indochina. But if this quantitative and spacial extension of an unsuccessful strategy will still prove to be unsuccessful, what then? Three options are open to the United States: One is resort to "tactical" nuclear weapons, a course of action toward which, as we have seen, the Administration is being moved by the logic of its position. Another one is the provocation of China into a war which would unite the people behind the Administration and whose anticipated victories would obliterate the memory of the failure in Vietnam. That course of action has its advocates at the present only at the fringes of the Administration, and it can therefore be ruled out as a short-term alternative. The third option open to us is unconditional disengagement.

This has always been the only rational denouement, however unobtainable in view of the insistence by a succession of administrations upon victory. Resistance to the Algerian solution remains strong in the White House and at the very top of the military hierarchy. Yet very close to that top, the doubts about the war which have always been more intense and widespread than the public assumed, have now been strengthened by the fear lest the indefinite continuation of the war destroy the Armed Forces themselves as an effective instrument of national policy. Race, drugs, and "fragging" (attacks on officers with fragmentation bombs) have seriously weakened control of the officers over their men, and quite a number of officers are now reluctant to give unpopular orders because they are afraid they either might not be obeyed or might call forth a violent reaction. Thus the Armed Forces and, more particularly, the Army, interested in their own survival as an effective fighting force, are in the process of becoming an active element favoring the speedy conclusion of the war.

That new element is capable of supporting either unconditional disengagement or the use of nuclear weapons. If military doubts and fears should crystallize into outright opposition to the war, such opposition might well turn into the decisive argument in favor either of the nuclear "final solution" of the Indochina problem or of the Algerian solution of unqualified disengagement. For the time being, however, the issue remains hanging in the balance; for the Administration will not be compelled to choose between these two painful alternatives as long as failure has not disabused it of the hope that, by using more intensely the same means that proved to be of no avail in Vietnam, it can gain in Laos and Cambodia the victory that has eluded it in Vietnam. If and when that hope, too, has been dashed, the Administration will no longer be able to evade that painful choice. In his press conference of January 29 the Secretary of State observed that "we don't foreclose any possibility." In a broader sense than he intended, this sums up our prospects in Indochina.

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Stanley Kauffmann on theater

A Midsummer Night's Dream

(Billy Rose)

Waiting for Godot

(Sheridan Square)

Just a few weeks after our discussion of two differing ways to revive classics, here is Peter Brook's *Dream*, a production that accommodates both views. If there is a cast album of this Royal Shakespeare Company show, it sounds, I'm sure, pretty much the way Shakespeare sounded in 1890. Barring a few instances, the verse is read with classical intent, and the comedy lines are treated in a style that would have pleased Beerbohm Tree. But for the eye, it's a different, contradictory story.

As usual with Brook productions, the curtain is up when we enter (and the play begins before the houselights lower). The setting, by Sally Jacobs, consists of three high white walls with parapets atop guarded by black rails, with two swinging doors in the back wall, with a narrow black vertical slit in each side wall. There's a white overall carpet. Hanging from the flies are some trapezes and an affair covered with red ostrich feathers (Titania's bower, as we learn). Musicians and sound implements are atop the walls at the downstage corners. The lights, by Lloyd Burlingame, come up – blazing white, not one touch of color in the dozens of lamps. The entire cast bustles through and off, then Theseus and Hippolyta begin.

The costumes are also by Miss Jacobs, with strong colors mostly reserved for the fairies; the mortals are mostly dressed in white with spots of color, the women in vaguely Greek dresses, the men in trousers and blouses. After the opening minutes of drenching white, Egeus bursts in wearing a rich blue surplice, and the effect is so startling, you can almost hear the blue. Pace, vigor, contrast, fun, even occasional loveliness, the production dusts us with them all like a low-flying plane. When the action moves to the forest, the trapezes and ropes come into swing, for use by the fairies. Meyerhold has always been big in Brook's mind, and circus elements were big in Meyerhold's mind. The hoisting and swinging give the fairies a pleasantly obvious way to become unearthly, accompanied by Richard Peaslee's teasing music and sound effects.

And Jan Kott still haunts Brook's stage. Eight years ago, with *King Lear*, much was made of the fact that Kott's new book *Shakespeare Our Contemporary* had influenced Brook. Few have noted that Kott's (questionable) chapter on the *Dream* has touched this show. Kott says that this is "the most erotic of Shakespeare's plays" (so much for *Antony and Cleopatra*!), and there is some crotch-grabbing and noisy nuzzling. The funniest use of this raunchy motif is at the moment when Bottom is transformed into an ass and Titania, under the influence of a potion, falls in love with him. The gross suggestion of a donkey phallus may indicate what was really on both their minds, and as they proceed to her bower, we hear the only touch of Mendelssohn in the show – the "Wedding March," which is usually reserved for the court.

There is some doubling of parts. The actor who plays Philostrate, the Duke's master of revels, also plays Puck, the master-reveler. The Theseus doubles as Oberon, Hippolyta doubles as Titania. These two doublings have comic point because Oberon and Titania accuse each other of dallying with the mortal ruler of the opposite sex and because it adds to the important duality of the play's world, and because it helps the plot's one sore point. At the start Theseus says the law forbids him to interfere with Egeus' marital plans for his daughter; but at the end Theseus simply says, "Egeus, I will overbear your will," and matches the daughter up with the man she had wanted all along. If, between those two statements, the actor who plays Theseus has been the Oberon who caused the amorous mix-ups in the woods, the director has at least given a wry razzberry to the otherwise arbitrary switch. But I don't understand why Egeus doubles as Quince.

And that's the least of the things I don't understand in this production. In *Lear* the unvarying white light at least conveyed a suprareal idea of pitiless pressure, even when it contradicted some of the words. Here the white light seems merely an attempt to smash the moonlighty stage conventions of the play. (Which takes some doing, because "moon" is one of the most frequently used words in the *Dream*.) The empty-warehouse feeling of the *Marat/Sade* setting suited the play's void; here the white emptiness suggests an inappropriate cross between an operating room and Avedon's studio at *Vogue*. And what about the spectators on the parapets – often characters who have just finished a scene below? The *Dream* contains a play-within-a-play; is this spectator device meant to make the whole evening seem a play within some larger cosmic play? Why do Egeus and the young lovers, in the first scene before the duke, keep their eyes straight front looking neither at him nor each other? Why has Brook cast Lysander and Demetrius with two young men of outstanding homeliness? If he is cutting against *jeune premier* convention, then why isn't he consistent in the other casting?

In his stimulating and well-written book, *The Empty Space*, Brook says:

> Our work on Shakespeare production is always to make the plays "modern" because it is only when the audience comes into direct contact with the plays' themes that time and conventions vanish.

But the "modern," in all the visual aspects of this production, is merely negative: he has stripped away the two usual ways of producing this play: Attic attitudes or Mendelssohn meringue. But he spends the whole evening just stripping them away. The very intelligence that is evident in that stripping, together with the patterned *sound* of the play, make me search for a pattern in the *look* of it. Without success. The point of his *Lear* was clear, whether one agreed with it or not: waiting for Beckett. The point here seems only a series of points.

Some of the cast are very good. Frances de la Tour is a perfect – and perfectly traditional – Helena. John Kane's Puck, larger than usual, has impish spirit. David Waller, the Bottom, has bumptious solidity; he lacks, though, the necessary asinine charm. Barry Stanton, the Snug, is more winning in his one line about being "slow

(Continued on page 35)

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Reed Whittemore: Totting up Losses

Run It Down the Flagpole: Britain in the Sixties by Bernard Levin

(Atheneum; $8.95)

I have not seen a good account yet of the sixties in America. Perhaps Bernard Levin's excellent job on Britain will stimulate a publishing interest here, and also serve as a useful guide. Much of the social and intellectual history of the two countries now overlaps, and while the United States did not have a Profumo case, nor a Great Train Robbery, it did have the Beatles and all that. Levin seems to think that in most cases Britain was trailing America during the decade, but if one begins with the Beatles, and takes them as a monster manifestation of the youth movement, it is hard to make Britain out as backward.

America was clearly ahead in assassinations and racism (Levin manages to neglect the big racist difficulties in London). England was clearly ahead in its devotion to the past, even as the glories of the past were vanishing from the British scene. But both countries developed an extravagant antiwar movement, and both became most precocious about sex, about denouncing things bourgeois, about liberalizing church life. Also, both countries confronted the ogre TV with confusion. And both countries ended the decade worrying, suddenly, about environment.

So near and yet so far. Britain was notoriously committed throughout the decade to throwing away her empire, while the US was, at least officially, committed to preservings. While the British flag was being hauled down all over the world, the American flag hung firmly up except when trampled by rebellious students, mostly at home. Levin describes with considerable eloquence the fatalism that crept over the British public, as increasingly the movement was down and away from power and control, for both nation and individual. Everyone shared "the fundamental truth . . . that events were slipping from the individual's grasp, that somewhere a computer was inexorably beckoning human beings toward the mouth of Moloch, that decisions were taken not by elected representatives, not even by identifiable oppressors, but by forces unknowable and unrecognizable that did not themselves know what they were about, or why." In America there were also of course many with such feelings, especially as Vietnam wore on, but officialdom in this country could not permit itself to have loser's feelings during the decade; and since our physical losses out in the empire came perhaps only to the sum of Cuba, the American public did not have equal occasion for loser's sentiments (accordingly these sentiments tended to be mixed up with rebellion, when they occurred, rather than fatalism). Yet America's losses were not to be sniffed at, if we measure factors other than territory and national power. Our discoveries of institutional weakness and ineffectiveness at least matched those of the British, as did the revelation of the precipitate and seemingly uncontrollable decline in the state of our cities. And, as with the British, a goodly part of the American public came to regard the Vietnam business as a holding action in what would and should come, even though it had not yet come, to American abandonment of all colonial ventures. So perhaps the fatalism that Levin discovered to be so deeply built into the British scene at the end of the sixties is what we will soon have as the chief social sentiment over here. At least it is in losses that Britain has been leading the way and it is on the theme of loss that the Levin book will seem most prophetic to the discouraged American reader.

Not that Levin himself willingly shares the spirit of loss. He is no Kipling, but his conviction would seem to be that British leaders went far too far in the sixties in dismantling the empire; and he is much more sympathetic with the problems inherent in America's continuing presence in Vietnam than are most American journalists. The villains of the imperial scene for him, to the extent that one can have villains in a general debacle, were the two Harolds, Macmillan and Wilson; and he would presumably praise, in contrast, the selfless firmness of Kennedy, Johnson and Nixon. Here is how

The Talker

One person present steps on his pedal of speech
and, like a faulty drinking fountain, it spurts
all over the room in facts and puns and jokes,
on books, on people, on politics, on sports,

on everything. Two or three others, gathered
to chat, must bear his unending monologue
between their impatient heads like a giant buzz
of a giant fly, or magnanimous bullfrog

croaking for all the frogs in the world. Amid
the screech of traffic or in a hubbub crowd
he climbs the decibels toward some glorious view.
I think he only loves himself out loud.

Mona Van Duyn

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he characterizes the Harolds:

> Only ambition for power, skill in its pursuit, and a ruthless energy in the struggle to keep it, united them, but united them with bonds so strong that they cast their shadow over the whole decade, and may well have etched that shadow permanently into Britain's public life. . . . These two men, who between them managed to empty the decade of political principle and scour the vessel, battled to keep or to gain power – the only thing, in the end, which interested either of them.

Power, that is, for themselves and their parties, not for the country. Macmillan's chief triumph was "to turn his party's head away from empire and towards Europe, away from the past and towards the future." And he did this with sometimes splendid chicanery, though of course he did not succeed in gaining for England admission to the Common Market. Wilson's chief triumph was against the oil deposited on southern shores by the *Torrey Canyon* (this was his only military expedition that succeeded). Otherwise, if I read Levin correctly, Wilson made the future over into a startlingly clear vision of socialist impotence.

As a journalist Levin is not only someone we would call conservative and hawkish, but also a fine example of a kind of writer out of England's past that England, despite its losses, is still holding on to but that America has lost. By American newspaper standards he is constantly guilty of overwriting. He quotes Shakespeare like crazy, he lusts after ornate insults, he indulges in high irony. He is obviously a great admirer of Churchill's prose, and must find painful what is happening to language in America. I personally find his rhetoric a bit tiresome – at least I would not like to have it every morning for breakfast on the editorial page – but his wit and eloquence are nonetheless sometimes of a high order.

Reading him I was persuaded anew that the continuing major difference between our two cheek-by-jowl countries remains, despite the common language, a difference in attitudes toward language. For the Britisher, whether he be of the straight life or the mod, words are constantly and consciously an important agent in the assertion and preservation of his character, his identity; and the value placed upon words leads infallibly therefore to a dependence upon the past of English words – nobody with the slightest education in England seems to run the flag down on *that*. But in this country increasingly the sun is thought to have set on words. The straights who would hang on are accordingly driven to conceal their verbal interests in plain gingham, while the mods wear no word clothes at all, but speak without impediment from their somatic substrata.

Of course it could be argued that we seem to have suffered greater verbal losses than the British merely because we started with less capital. In any event Levin's book is, *wordwise*, a dramatic journalistic reminder that the British are still British.

AIRLINE REGULATION IN AMERICA

Effects and Imperfections

WILLIAM A. JORDAN

One might reasonably expect that government regulation would help reduce the cost of air travel to the public. In fact, however, regulation by the Civil Aeronautics Board has increased fares charged by the interstate airlines. The author shows that an imperfect cartel functions among the CAB-regulated airlines, transforming "competition" into rivalry for larger shares of cartel profits. He charges that CAB regulation has restricted entry into the industry, promoted mergers, and prevented reductions in coach fares of as much as 47%. The principal beneficiaries of regulation in reality are the aircraft industry and the regulated carriers themselves. $12.00

THE JOHNS HOPKINS PRESS
Baltimore, Maryland 21218

Peter Passell & Leonard Ross: Assessments Unassessed

How Much Is Enough? Shaping the Defense Program, 1961-1969 by Alain C. Enthoven and K. Wayne Smith

(Harper & Row; $8.95)

"Not to quantify what can be quantified," wrote Robert S. McNamara in 1968, "is to be content with less than the full range of reason." For half-a-dozen years it was the task of Alain Enthoven and his Office of Systems Analysis to keep McNamara supplied with numbers. This book, by Enthoven and an assistant, is a chronicle and self-assessment of their work.

And, behold, it was good. The systems analysts imposed a new, quantitative discipline on the defense budgeting process. Previously, service chiefs were allocated lump sums to spend more or less as they pleased. The result was well beyond the range of reason: services pursued overlapping objectives, splurged on fancy but ineffective new equipment, neglected such low-glitter items as ammunition and transport. The Air Force, in a striking emulation of Egyptian strategic doctrine, showed far more interest in $8 million airplanes than in $100,000 concrete shelters to protect them. The Air Force also justified new Minuteman missiles, assuming that the Navy's Polaris fleet would not increase in strength; the Navy returned the compliment. Procurement requests were never systematically judged on their contribution to overall defense capabilities.

The systems analysts introduced an

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obstacle course of program reviews which forced the services to present a reasoned case. Before new missiles were budgeted McNamara had to know how much they would contribute to the destruction of enemy targets, and how that destruction related to strategic goals, rather than simply how many missiles or megatons the Russians had. Questions such as these were instrumental in killing off glamorous absurdities like the air-launched Skybolt missile and the nuclear powered frigate.

On some issues the systems analysts influenced strategy as well as hardware. For years, defense planners had been led to believe that Communist armies in Europe vastly outnumbered their NATO adversaries. The conclusion was that the first line of continental defense must be tactical nuclear warfare, or even massive retaliation.

McNamara and Enthoven attacked this position from two directions. On the one hand, they reassessed intelligence estimates and discovered that NATO forces were roughly equal in numbers and greatly superior in air power. On the other, they discredited the feasibility of limited nuclear warfare by showing that any effective use of "tactical" weapons in battle would annihilate civilian populations.

In addition to these victories the authors acknowledge some major disappointments. As they left office, congressional committees and service bureaucracies remained committed to prequantitative thinking. The brass still preferred chrome to cost-effectiveness, and congressmen continued to trust generals more than geniuses. Under the new Administration, the Office of Systems Analysis has been kept on the charts but out of the action. Overall, the picture the authors leave is of a brief and valiant Age of Reason now menaced by darkness.

The darkness is real but the enlightenment deserves some skepticism. Enthoven and Smith justly take credit for curbing billions in military waste. But they never mention that the defense budget climbed steadily under McNamara even before Vietnam. The primary aim of the Kennedy-McNamara defense policy was increased power, not decreased costs. By and large, systems analysis was influential only where these two goals coincided. It was a tool for efficient expansion, not for prudent contraction.

Two examples are illustrative. Enthoven and Smith impeach the case for deep penetration tactical bombers, yet McNamara (in his valedictory book, *The Essence of Security*) boasted that the payload capacity of tactical aircraft doubled from 1961 to 1968 and would, under his plans, double again by 1972. The authors document the overabundance of both strategic and tactical nuclear warheads, yet McNamara took credit for increasing the number of nuclear weapons in NATO Europe by 100 percent. In both cases, marginal increments in power prompted additional billions in expenditure.

The major expansion of power was, of course, not marginal at all. McNamara clearly improved the country's ability to fight limited wars. This was a boon of some ambiguity, however, as a representative sentence of the book does not acknowledge but crisply illustrates: "Without the active, positive interest of the Secretary and the civilians in the Systems Analysis office, it is highly doubtful that the United States would have had an airmobile division or a large and growing Army helicopter force ready to deploy in Vietnam in 1965."

What about Vietnam? On this subject the authors are extravagantly terse. "The Systems Analysis office," they say, "played no policy role in the decision to go into Vietnam, in the decision to bomb North Vietnam, in the determination of targets to be bombed, in the timing of bombing pauses, or in the development of strategy or tactics. It had no policy role in determining the overall totals of men to send to Vietnam, or in figuring out what they should do when they got there."

Why not? At first blush it would seem that these matters were either grandly political or narrowly tactical, questions for the State Department or the theater commander, not for the systems analysts. But the issue is not that simple. Enthoven and Smith go on to say that the Office "did do some useful pieces of work on the Vietnam war," which they explain in a short chapter. This work included some "pilot studies" (all done after February, 1967) discrediting the kill count, the feasibility of a strategy of attrition, and the effectiveness of the bombing campaign. The pilot studies aroused furious military opposition, and the systems analysts were invited not to continue their work.

The chronology, then, involves three stages: first, the pre-1967 period where systems analysis had nothing to do

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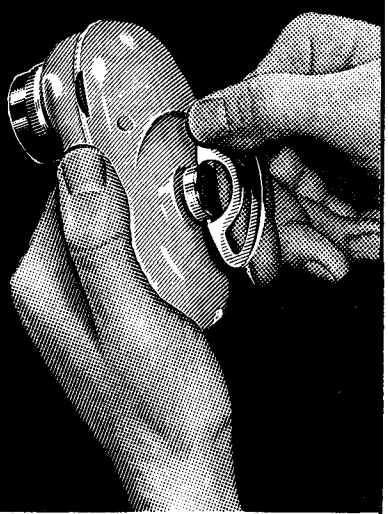

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with the war; second, a brief interlude of analytic criticism; third, imposed silence. The second and third stages are easy enough to understand: after McNamara began openly to doubt the bombing strategy he called for documentation, only to discover that facts were not the issue and "whiz kids" not the arbiters in wartime Washington. But the first stage remains a mystery. Why had McNamara never called for quantitative studies in 1965, when he was still the mastermind of escalation? Why did he show so little interest in "the full range of reason" when his own premises might come under question?

Enthoven and Smith never hint at the question, much less the answer, but perhaps some more troubled memoirist will one day take notice (in fact David Halberstam, in the January issue of *Harper's*, is doing just that). Quite apart from recriminations and literary war crimes trials, the most awesome fact about Vietnam is that it was planned not by General LeMay and Dr. Strangelove, but by Robert McNamara and McGeorge Bundy. Until we learn why critical analysis stopped at the water's edge we will have learned nothing.

James Walt: Everything Was Permitted

The Forgotten Soldier
by Guy Sajer
translated by Lily Emmet

(Harper & Row; $8.95)

Though an admirer – and a survivor – of German efficiency, M. Sajer argues that it was Nazi folly "to treat German soldiers even worse than prisoners." Nazi officers were under no compulsion to check their rages and irritations. Some kicked, slapped, and beat enlisted men, freely used the whip, or chained their victims to posts and made them lap up their food like brutes. Three officers could set up a court-martial any time anywhere, and one of Sajer's stories shows how the power thrust into arrogant men's hands led to justice "most foul." Retreating to Roumania and pursued by Soviet troops, German soldiers desperately combed the countryside for food. An enthusiasm rare in their tortured lives touched Sajer and his companions when they found an overturned commissary truck. Filling their arms with chocolate, sausages, cigarettes, and bottles of liquor, they vanished into the brush; but two of the men were soon caught red-handed by MP officers, condemned, and strung up. From the broken neck of one, his executioners hung a sign reading: "I am a thief and a traitor to my country."

"Everything is permitted," says a Dostoevsky character, "if there is no God." "Everything is permitted," Hitler might have added, "to those who have the habit of success." And he would unquestionably have condoned his officers' brutality by asserting that their Spartan methods had fashioned the most powerful army in history. Unlike his German counterpart, the average Russian soldier was a self-willed peasant who needed years to become a disciplined fighting man. The Nazi invasion of June 1941 found the Russians only half-prepared. Refusing to give battle but bringing into play the scorched-earth policy of Napoleonic days, they withdrew as far as Smolensk before they counterattacked, so that the war's early stages seemed merely to confirm the Nazi "habit of success." Then the savage winter of 1941-1942 made a mockery of the German soldier's spit-and-polish professionalism.

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By 1942, when Sajer was inducted into the German army, the Fuehrer used less discrimination than before in deciding who was fit to spill his blood for the Master Race. Sajer was a sixteen-year-old Alsatian who admired adventure – in the abstract – but was delicate in health. Son of a French father and German mother, he was effortlessly neutral. Propaganda, however, persuaded him that Germany was shielding the West in fighting a soulless and barbaric communism and he concluded that it was a privilege to have a role in "the last of the great crusades." At the same time his observations were colored by the special sensibilities of the outsider. He spoke a foreigner's uncouth German, made few friends, experienced a puritanic disgust with grossness in eating and drinking, and scorned the hit-and-run sexual adventures of soldiers living by a timetable. As chance would have it, he formed a friendship with a near-giant called Hals whose appetite was a wonder and repulsion to the squeamish. The two youths were attached to a supply unit, but Hals felt short-changed because he was denied the excitement of frontline action and he volunteered for combat training. Unwilling to be left behind by a companion whose kindness and bearish strength seemed a protective force against the unknown, Sajer went along. Nearly broken by the ordeals of combat training, he was finally accepted in the famous "Gross Deutschland" Division and flattered into thinking he stood apart from the mediocre millions in the ranks. But humbling miseries lay ahead. Sajer's taste for adventure vanished as he faced enemy tanks on the Russian front, groveled in the dirt like an animal pursued to its lair, and lost control of his nerves and bodily functions. He saw companions die of the cold and was tortured by the anxiety that temperatures of —40 and —45 degrees might cost him his limbs. Once he helplessly watched soldiers murder one of their own men suspected of hiding food. Between the pincers of incessant cold and hunger, many deserted or committed suicide. Fearful of being blown to pieces, crushed under Russian tanks, or captured and tortured, Sajer himself sought death at a time and place of his own choosing. Once, having been promoted to *obergefreiter* (overcorporal), he ordered a private to shoot him. The hysterical private begged that Sajer finish him off instead. On another occasion Hals overpowered Sajer and kept him from running into an open field hidden under a blizzard of enemy fire.

The Forgotten Soldier, which has climbed to best-seller ranks in France and Germany, has been compared to *All Quiet on the Western Front*. Erich Maria Remarque's World War I novel took the romance out of soldiering that was a heritage of Dumas, Kipling, and Richard Harding Davis, and Sajer's story of his disillusions in the later war is every inch as grim. Yet Sajer set out to write, not an antiwar book, but a memoir pleading belated justice for men who died in an enterprise more insanely extravagant than Napoleon's.

Aside from the dubious holiness of the Nazi cause against communism, the question of truth – especially reportorial accuracy – arises as one reads Sajer's vivid pages and immerses himself in an elaborately recreated world. How was an author who had no opportunity to keep a daily journal able to recall conversations, lengthy speeches, and the minute details – the bric-a-brac so to speak – of scenes he has described with the verisimilitude of a gifted novelist?

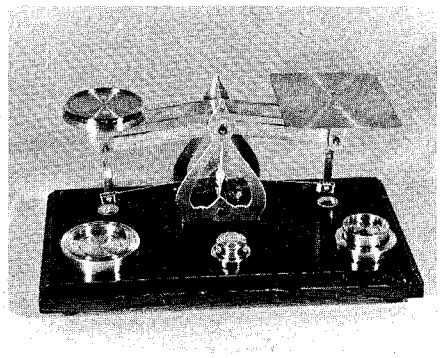
True or fictitious, *The Forgotten Soldier* is a moving work by a writer whose misconceived political views fade into unimportance beside his compassion for men who lived in harness and honored the virtues but were no less subject to their fate than the Fuehrer.

Notable

Appalachian Wilderness

Photographs by Eliot Porter,
Natural and Human History
by Edward Abbey,
Epilogue by Harry M. Caudill
(Dutton; $30.00)

Maybe this book will do it; maybe the rising number of so-called "moderates" who have of late flocked to issues that go under the name of "ecology" will decide that it is "safe" to take after the giant coal companies, many of them owned by giant oil companies. For decades those companies have been destroying Appalachia; they have in their single-minded lust for coal ripped open the land and sent men down utterly unsafe mines. Mean-



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"One is reminded of the younger Edmund Wilson"*

■ No critic of his generation has written with more sustained intelligence or clearer insight on the literature of our time than Theodore Solotaroff. The appearance of his collected critical writings, *The Red Hot Vacuum*, has been widely praised as a major literary occasion in its own right.

In THE NEW YORK TIMES BOOK REVIEW, Leo Braudy called it "an arresting picture, not of isolated literary moments, but of an important critical sensibility engaged in a continual struggle to define its esthetic ideals," and the *Times Book Review* editors named *The Red Hot Vacuum* as one of 1970's outstanding books.

NEWSWEEK's Jack Kroll says the book is "a remarkable job. [Solotaroff] is not intimidated into false chic by the choral vociferations of the avant-garde nor does he forlornly man old blasted bastions." And in SATURDAY REVIEW, critic Brom Weber writes of Solotaroff:
*"One is reminded of the younger Edmund Wilson, whose stylistic clarity, social conscience, personal integrity and critical acumen seem to have been reunited in a likely successor."

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while the rest of us have shaken our heads when a "major" tragedy occurs, but have not come out in large numbers against the daily violence that characterizes the operations of those powerful American corporations for whom states like West Virginia and Kentucky are colonies, to be plundered and forsaken, as Harry Caudill has again and again pointed out. He does so once more in this book. He reminds us that men are killed, land cut up, rivers hopelessly polluted, forests done away with, hills levelled – all so that coal can be "cheaply" grabbed from the earth. But before he speaks Edward Abbey (a poet and novelist who is also a naturalist and Park Ranger) writes tenderly and lyrically about Appalachia's wilderness, its plentiful water, its imposing hills, its valleys of refuge, its mighty trees and fragile wild flowers; and at the same time Eliot Porter's camera catches the colors and shapes, the light and shadow, to be found in those virgin forests.

Anyone who knows the region knows that Mr. Porter's task was not easy; there is almost too much to see up those hard-to-reach hills, and if the coal companies have desecrated miles and miles of land, there is (to use a mountain expression) "some way yet for them to go," though God knows no mountaineer doubts that given time and the indifference industrialists can count on from most of us the machines will rip apart the entire region. In any event, this handsome book may well find its way into homes whose coffee tables are ill prepared for the message Edward Abbey and Harry Caudill spell out – and Eliot Porter by implication conveys. And since the book is not a political tract, and so beautifully put together, the well-off readers who get to own it will hopefully be put off guard enough to lose their "cool" – so that they find themselves getting angry and starting to ask questions. Why do we let a beautiful region, a proud people, be crushed by our greed, our thoughtlessness, our political inertia? Why do we spend billions to step foot on a barren, lifeless moon – while allowing hundreds and hundreds of miles of unforgettably luxuriant countryside to be systematically devastated? There is so very much that is alive and charming and dazzling even in the "Appalachian Wilderness" – and so much that needs the protection of an aroused nation.

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Some Deaths in the Delta
by Rosellen Brown

(University of Massachusetts; $4.00)

Poets so often are apologetic these noisy days, and Rosellen Brown is no exception. She apologizes for the fact that "poems are not action," and contrasts what she has written with "real events." Well, though one can understand what she is getting at, she is wrong. Her poems are an event, and the work and love that went into them a form of action. At least one phase of the so-called civil rights struggle is over. But for a few years a certain torch glowed in the South, and men and women and children came to it and felt its heat and helped hold it up for the world to see. Rosellen Brown was among those who came: white, a Yankee, she worked at Tougaloo College near Jackson, Mississippi, travelled through the Delta, took part in many efforts to make the South a place where "liberty and justice for all" can be found. As the title of her book suggests, the task is an enormous one. Generations have suffered – blacks from hunger and extreme poverty, many whites from the same thing but bundled with the red ribbon of hate so as to make them feel somehow privileged. Death is everywhere: in bodies, in minds, in the landscape. A few prosper, many almost starve. A few have power, many until very recently couldn't vote. A few live in plantations, thousands live in shacks without decent water or heat, sometimes even without electricity.

And those who leave and go North find another hell up there, as the second part of this collection of poems emphasizes. For the author eventually returned to New York, and learned (as have so many others before her) that once awakened, the old kind of sleep comes hard. Mississippi made her a less satisfied New Yorker. Now she is not only a damn Yankee, but perhaps a touch un-American. She wants us to measure up to those young Americans of both races she knew in the South in the middle sixties. Though she spends many of her lines setting down the sad ironies and outright evils which plague life in the South, she lets us know from time to time that there is no escaping those ironies and evils, certainly not by crossing the Mason-Dixon line. In doing so she demonstrates a willingness to avoid ideological rancor and rhetorical postures of one sort or another. She loves the people she spent so much time with, and in these poems gives voice to their "life" – their hopes, doubts, assets, handicaps. She has a right to feel that only the successive storming of various Bastilles are *acts*, but no doubt in many towns of the Delta there are individuals who have been in the past grateful for what Rosellen Brown the teacher and social activist has meant to them – and who are now grateful that she has chosen to speak out so intensely and honestly on their, on America's behalf.

The Last Year of Leo Tolstoy
by V. F. Bulgakov

(Dial; $7.95)

There was something grand about even the death of Leo Tolstoy, in a crummy little cottage where he had fled to be rid of his raving wife. Even then, in the paltriness and pain, an aura of high drama prevailed. Nor was it missing from the last months of his life, months filled with intrigue and bitterness over the rights to his manuscripts. This book, the diary kept by a young secretary of Tolstoy, squeezes from the events in 1910 a sense of the strife that embroiled the great man. And through it all, bits of Tolstoy's insight are scattered: he remarked about a play of George Bernard Shaw, for instance, that "there is no end to the wit, but it is devoid of meaning. The characters do not say what they might have said, but what Shaw wants to say through them." Others, notably Henri Troyat in *Tolstoy*, have quoted from the Russian version of this book. Now the complete account is available in English, and in a much brighter translation than the fragments in *Tolstoy*.

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Television

The Name of the Game

On the Saturday afternoon that Apollo 14 prepared to return to earth, I watched, without stirring, ice skating, skiing, bobsledding, bowling, basketball, golf, and moon circling. Some of the world's great capitalists at NBC, ABC, CBS, Gillette, General Motors, General Foods, United Airlines, Bristol Myers and NASA (my apologies to those I have inadvertently failed to acknowledge) had not only sweated forth all this testimony to man's vigor, but also mashed it into neat units for my edification. Hawaii and the moon were in conjunction. The lush and the barren. Cameras zoomed busily in and out of craters and sand traps. Arnold Palmer made a crucial 20-foot birdie putt, Alan Shepard made a hard dock. On the previous day Shepard had taken a practice, six-iron swing in the Fra Mauro Highlands. Would Palmer then soon be gathering moon rocks?

One thing was clear: all these good sports belonged to the same spiritual country club. It didn't matter much,

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what country. It mattered less, what sport. Play up, play the game – and the subsidiary increments would roll in. Horatio Alger forever.

Remember Horatio? He was a nice, hard-working boy who started at around 10 cents a week. Worked his way up. Saved his pennies. But as Frederick Lewis Allen once pointed out, Horatio didn't actually make it to "up" by working or saving pennies. He made it by windfalls – from grateful bystanders, distant relatives, gold doubloons in old caves.

The same kind of economic and moral madness applies to our modern Saturday afternoon sports types; they look as if they're doing one thing – chipping the ball cleanly out of a bunker, twirling daintily on the ice, donning their pretty space suits, playing governor of Texas – but look again; the real action is elsewhere, the money is in Tang and Bufferin, the windfall is waiting slyly in the alley next to the success story – waiting to jump out like a Neapolitan pimp and offer "up."

TV's juxtapositions of the capitalistic reality (windfalls) and the capitalistic dream (save your pennies) are unprecentedly crude. Remember those coy characters in Henry James who couldn't bring themselves to mention their sources of moolah? Now, on TV, they can't bring themselves not to. Golf is particularly adaptable to the merchants' designs upon it because its action is continuous and spread around; and so, come to think of it, is mooning. In football and basketball the commercials have to be sandwiched into the time-outs; but golf and mooning can be sandwiched between the commercials.

Anyway it gets harder and harder to distinguish game from commercial, so it soon won't matter who is sandwiching whom. Bufferin has its own moon-shot sequences. Gillette its own golf shots. United Airlines plants stewardesses along the runways – oops, fairways – and all the advertisers hire sports heroes by the gross to hop joyously back and forth between playing field and product.

One can hardly be surprised that the seventies have brought a rash of stories, in the Meggyesy vein, of what the dollar is doing to our athletes. The dollar has the athletes well in hand, thank you, and on TV the connections are visible as never before. Tobacco company heads may indignantly deny that they plan to sneak cigaret promotion onto the tube by financing sports events named after their brands, but their defensiveness is a minor anomaly on the big-money scene. Elsewhere big money is buying up sports wholesale as if that were the most natural thing in the world for big money to do. Remember the bloated capitalist of socialist cartoons? He had knife and fork in hand, and his napkin was tied around his neck. The world and its people were spread before him on his groaning table, and he was busy, busy a-gobbling. Well, nowhere has that caricature been more truly brought to life than in TV sports. I'm fifty, and have kept my cool watching the selling of expensive individual souls to Absorbine Jr, Wheaties and the like for most of that time, but the new TV sell-scene is getting to me. The big boys are buying and selling whole games, whole sports in wholesale lots, bringing everything except maybe checkers into their sleazy, pyramidal, holding-company syndrome. I guess I'm a bad sport, for I find it unsporting.

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Correspondence

Campaign Financing

Sirs:

Your interest and concern with election campaign reform – as evidenced by Norval D. Reece's "Politics for Rich and Poor" (January 16) – is particularly gratifying to me. Last month I introduced two bills (S. 1 and S. 9) which tackle the difficult problem in substantially the ways suggested by Mr. Reece, although in some areas my proposals for innovation and reform go further than even he recommends.

The legislation I have submitted would fundamentally change how candidates for public office are financed and elected. Its enactment would on the one hand be a great step toward making candidates start off on a more equal footing, financially, while on the other hand provide for the broadening of the base of citizen support in financing elections. The independence from big contributors, plus the creation of a financial bond between the citizens and their elected officials which this legislation can bring about would greatly heighten the effectiveness of representative government in promoting the public interest. This desired result would be accomplished through the following specific provisions of my bills:

(1) A 50 percent tax credit on political contributions not exceeding in aggregate $50;

(2) The option of taking a $100 tax deduction in lieu of the tax credit;

(3) Charges made candidates for the use of broadcasting stations are limited to the lowest commercial rate;

(4) Broadcasting stations and net-

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works are required to provide simultaneously free, prime radio and television time to candidates for President and Vice President;

(5) The FCC is mandated to determine the most equitable arrangement whereby other candidates, including those for local office, might be provided free time;

(6) Limitations on total media expenditures on behalf of a candidate in any election are set at 106 times the number of registered voters for the election, or $40,000 if this is greater;

(7) Both a Presidential and a Congressional Election Campaign Fund are created, which will pay candidates receiving 10 percent or more of the vote at the rate of 20 cents times the vote for their party;

(8) Single source contributions are limited to $5000 and this is made to apply to committees as well as individuals;

(9) A $25,000 limitation is set on the amount that a candidate may use from his own or his family's funds;

(10) Each candidate is allowed only one authorized campaign committee;

(11) Full reporting of all contributions and expenditures including full names, addresses, dates, and amounts – is required in January, March, June, and September, and fifteen and five days before and fifteen days after each election; and

(12) A nonpartisan Federal Elections Commission to receive reports, make audits, investigate abuses, and propose new legislation is created.

The subject of election campaign financing and reform has a long and involved history. However, because of the President's veto of the Political Broadcasting Bill and the ensuing national attention the subject has received (including the article you published) I believe the time is ripe for basic reform.

Mike Gravel
United States Senate

Oil Routine

Sirs:

In "What's Good for Oil and No One Else" (February 6), Bernard Nossiter is not factually correct when he states that oil companies have been granted "a pledge of immunity from antitrust prosecution." A number of oil companies came to the conclusion that it would be necessary for them to sit down across the table from the Organization of Petroleum Exporting Countries (OPEC) if they were to enter into meaningful negotiations with the group. Before advising OPEC of their intentions to negotiate in this manner, the US companies involved submitted the letter describing this procedure to the Department of Justice for review. The Department then issued a routine business review letter, which took note of the companies' intentions to negotiate with the member countries of OPEC and stated that the Department did not presently intend to institute proceedings under the antitrust laws with respect to the proposed letter to OPEC or to the discussions it contemplated. This routine business review letter reserved to the Department of Justice the right to take action if at a later date it felt that any of the companies' actions were in violation of the antitrust laws of the United States.

Gordon C. Hamilton
Texaco, Inc.
New York City

In reply. . .

Precisely, although one man's "routine" is another's rare privilege.

Bernard Nossiter

Parociaid

Sirs:

In an appeal transparently addressed to expediency, Murray Friedman and Peter Binzen ("Politics and Parociaid," *NR*, Jan. 23, 1971) recommended public financial aid to private and parochial schools. . . . The issue which the authors fail to discuss is whether the American public can legitimately be taxed for the support of institutions over which they have no control. Even if we do live in a more sophisticated age, it is worth remembering that a lot of tea was dumped into Boston harbor over a similar issue.

Today, much educational controversy centers on "accountability": whether and to what extent public schools and their personnel can be held publicly

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accountable for achieving the goals they are employed to achieve. Making an accountability system operational depends upon public determination of educational objectives and systematic, independent testing and evaluation. It is difficult to imagine private and parochial schools accepting the rules of the accountability game: to do so would be to lose their own unique identity and melt insensibly into the anonymity of the public school bureaucracy. But can taxes (or tax refunds or vouchers) be used for the support of schools which, unlike "public" schools, are *not* held accountable? Why hold one system (the public one) accountable, but not the other?

Public aid to private schools must either end in public control of those schools, or it constitutes a clear case of taxation without representation. The former alternative would emphatically be rejected by supporters of private and parochial schools. The latter alternative must be rejected by anyone who still believes in the possibility of democracy. Authors Friedman and Binzen worry about lining up with middle America, but one wonders just where that is. Does middle America favor our publicly supported, privately controlled airlines? If so, maybe it will also go for publicly supported, privately controlled restaurants, parks (we could call them "country clubs"), and schools.

Donald Arnstine
University of California, Davis

Sirs:

Against very great odds, both escalating education costs and a declining supply of teaching sisters and priests, major reforms in the preparation of Catholic parochial school teachers is now entering its third decade and curriculum reform is in its second. There is discontent, yes, but I suspect there is greater discontent in state school communities which must look for teachers to the generally less able and less dedicated graduates of small, modestly staffed teachers colleges with modest standards.

The fluctuating Gallup poll rating on support of aid to nonstate children is more a barometer of the times than of conviction. At a high-water mark in the debate over the legitimacy of such aid, in the mid-60s Gallup showed a majority favoring such aid. After five years of major diversion of public funds into the Vietnam war, few can think rationally of enlarging the state's education responsibilities when it cannot finance the present one.

Leased time, tax exemption, and lotteries are no answer. They confirm the second-class status of nonstate education, hence postpone a resolution of this long-standing injustice, and they do not provide assistance in sufficient amount or usable form to sustain nonstate education in existence, much less allow these schools the necessary diversification of clientele to include more poor and minority children.

Should significant aid go to nonstate education, state schools will inevitably be the dumping ground for the poorest unless (1) the aid to nonstate schools approaches parity to state school student support, and (2) nonstate schools themselves become sufficiently ecumenical that a white Catholic, black Protestant, and Jew will be equally at home in them.

William H. Slavick
Gorham, Maine

Sirs:

Parochial schools (Catholic, Jewish, Lutheran, Christian Reformed, Black Muslim, etc.), which enroll over 90 percent of the 11 percent of the nation's children not in public schools, are almost completely segregated by religion and have only about 20 percent as many black children, proportionately, as the public schools. Parochial and private schools generally select children of "higher academic potential." Parochial schools exist primarily for the purpose of sectarian indoctrination. Parochiaid, therefore, would mean taxing all persons of all faiths for the support of sectarian indoctrination and separatism. It would further the racial, religious, class, and academic imbalances in nearly all our urban school systems.

Parochiaid would surely cause a proliferation of parochial and private schools, "deconsolidating" and fragmenting education, reducing educational efficiency and driving taxes far higher than they would be if all kids attended public schools. Public schools would become underfinanced dumping grounds for parochial and private school rejects, as many public hospitals are today. Patrons of elitist, special interest parochial and private schools would increase their political clout and ability to get public support, while the disadvantaged remaining in public schools would see their political influence sink lower than it is now.

For all their faults, our public schools are democratic, pluralistic institutions subject to popular control. Separatist nonpublic schools are almost exclusively the least pluralistic and democratic institutions. As an educator I believe that parochiaid would only lead to educational disaster and the experience of countries with tax aid for multiple, "freedom of choice" school systems bears this out.

Friedman and Binzen urge liberals to get on the parochiaid bandwagon to avoid widening "the gulf between them and middle America, further diminishing their effectiveness as a political force." Maybe liberals should also abandon their support for civil liberties, integration, and other liberal ideals in order to cozy up to "middle America" (whatever that term means).

Edd Doerr
Beltsville, Md.

Sirs:

You can't in all fairness help the Catholics without providing the same for other Christians; you can't in all fairness help Christians without doing the same for other faiths; you can't in all fairness help the private religious schools without doing the same for nonreligious, private systems; and you can't provide public money for all the religious and private school systems without decimating the American public school system. Money's not the problem with the public schools – it's the solution. Continue to channel money in other directions and you can forget about the public schools. The great American public will go private.

John Wendle
President
Youngstown Federation of Teachers
Youngstown, Ohio

NOTES ON CONTRIBUTORS

PETER PASSELL *teaches economics at Columbia University. Former editor-in-chief of the* Yale Law Journal, LEONARD ROSS *is a teaching fellow at Harvard Law School.* MONA VAN DUYN, *whose latest book is* To See, To Take *(Atheneum), is a finalist for the National Book Award in poetry for 1970.* JAMES WALT *teaches English at the University of Maryland.*

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Kauffmann, *from page 24*

of study" than Waller is in his whole part.

The most interesting actor is Alan Howard, the Theseus/Oberon. He is a highly accomplished speaker of verse, with a good stage voice, unfruity but musical; he has presence and command. But he's on the verge of self-infatuation. I estimate, to judge by the ponderous rate at which he speaks the duke's casual asides in the last scene, that his Hamlet must take a week.

I note, too, that from time to time Brook has a character sing his/her first lines after an entrance to guitar accompaniment, which is agreeable enough. But the First Fairy's "Over hill, over dale" speech has been broken up and given to the four mod youths who play Titania's attendants, which is puzzling because the four of them look as if the only way they could get over hill and over dale is on a Honda.

For me, this has never been a play of two worlds but of the interweaving of two modes of consciousness. If you like, you may call the fairy world either aspects of the immanent divine or aspects of the subconscious, always lurking, waiting to pounce, to disturb. Either way the *Dream* is a testament, in ravishing language, to the power of the invisible and the silly cockiness of our seeming self-governance. Brook's production frequently touches this idea, tellingly, but I can't say that this is his realized theme. He wouldn't have needed all his new apparatus to do that.

His method here is like an unresolved figure in dialectics. The thesis is the generally traditional sound; the antithesis is the antitraditional look; but the synthesis?

The time is right for a New York revival of *Waiting for Godot*, as Alan Schneider wrote recently. The time is wrong – any time would be – for the revival he has directed. One of the four actors, Anthony Holland as Lucky, is adequate. The Vladimir is thin and arid, the Estragon is a cheap mugger, and the Pozzo is a lightweight, pathetically trying to be a heavyweight. Schneider's direction concentrates on small comic chances instead of Beckett's large chill universe with comic homunculi in it. It's all a waste of what might have been an important occasion.

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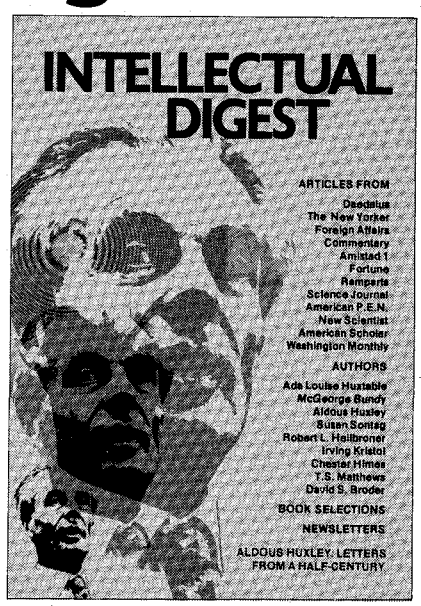

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